

9 August -3, 569 -  
16. " 2, 991 -

Record of Proceedings

of the

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The United States of America, the Republic of China,  
the United Kingdom of Great Britain and Northern Ireland,  
the Union of Soviet Socialist Republics, the Commonwealth of  
Australia, Canada, the Republic of France, the Kingdom of  
the Netherlands, New Zealand, India, and the Commonwealth  
of the Philippines

-Against-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO,  
Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIRO-  
TA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,  
Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuni-  
aki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,  
Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;  
OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHI-  
GEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATO-  
RI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,  
Hideki; UMEZU, Youshijiro;

-Accused-

Official Court Reporters

Jack Greenberg, Chief  
Fred T. Alwan  
James F. Barton  
Antoinette Duda  
Samuel Goldberg  
Robert B. Morse  
John J. Smith  
Daphne Spratt  
Elvira Whalen  
Julian Wolf  
Lorraine Yeldell

9 AUGUST 1946

I N D E X  
of  
WITNESSES  
(none)

I N D E X  
of  
EXHIBITS

<u>Pros.</u>	<u>Def.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
<u>No.</u>	<u>No.</u>			
269		Premier Konoye's Talk Regarding the Adjustment of Sino-Japanese Relations		3575
		(Same Withdrawn)		3580
269		Materials for the Private Report to the Emperor by Minister UGAKI		3584
270		Gist of the Talk by SATO, Kenryo, Chief of Press Section, War Ministry		3609
271		The Matter of the Termination of Co-Operative Relation between the Japanese Empire and various Organs of the League of Nations		3641
272		Presentation of Situation Estimate of Central China Expeditionary Army		3655

1 Friday, 9 August, 1946  
2 - - -  
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4  
5 INTERNATIONAL MILITARY TRIBUNAL  
6 FOR THE FAR EAST  
7 Court House of the Tribunal  
8 War Ministry Building  
9 Tokyo, Japan  
10 - - -  
11  
12 Appearances:  
13 For the Tribunal, same as before with the  
14 exception of the HONORABLE R. B. PAL, Member from  
15 India, not sitting.  
16 For the Prosecution Section, same as before.  
17 For the Defense Section, same as before.  
18 - - -  
19  
20  
21 (English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFE.)  
24  
25

W 1 MARSHAL OF THE COURT: The International  
o 2 Military Tribunal for the Far East is now in session.  
f 3  
THE PRESIDENT: Does counsel desire to mention

**THE PRESIDENT:** Does counsel desire to mention any matter?

Mr. Parkinson

6 MR. PARKINSON: If the Tribunal please, it  
7 is my recollection that at the conclusion of the pro-  
8 ceedings yesterday that the defense was stating an  
9 objection, and I am not certain that they had con-  
10 cluded at the time of the recess.

11 THE PRESIDENT: I understand they asked for  
12 certain particulars about a document. I said you  
13 would answer them today. They said there was no  
14 certificate attached to document 268. They did not  
15 know where it came from or when it was published, or  
16 who published it.

17 MR. PARKINSON: I am informed that the cer-  
18 tificate with relation to the document referred to  
19 has been heretofore filed with the Secretariat.

20 THE PRESIDENT: You can give us those  
21 particulars briefly, Mr. Parkinson.

22 MR. PARKINSON: I was unable to hear that,  
23 your Honor.

24 THE PRESIDENT: Will you give us those  
25 particulars; it is a simple matter.

1 MR. PARKINSON: Yes, sir.

This document was read as a portion or an extract, complete within itself, taken from a file entitled, "Treaties concerning basic relations between Japan and China," and is an official document of the Japanese foreign office. And this particular exhibit was taken from that file.

8 THE PRESIDENT: The original is under the  
9 certificate of Mr. SHIMODA, Chief of the Archives  
10 Section. It seems to be well authenticated.

11 Mr. Logan.

12 MR. LOGAN: It may be authenticated now,  
13 your Honor, but yesterday when it was submitted to  
14 the Clerk that certificate which is on your desk was  
15 not in court here. It was in the Clerk's office.  
16 It was just this document itself without any certifi-  
17 cate. That is why we want to know from where it came.  
18 But now I went to the Clerk's office to examine it  
19 after court yesterday. I would like to -- but I  
20 would also like to have the prosecution state if they  
21 know who was it that said this was a statement of the  
22 government concerning the China Incident, and where  
23 did this document come from? Who is the author of it?  
24 It does not appear on its face, nor does it appear on  
25 the certificate. I should think the Tribunal would be

1 interested in that in order to determine what weight  
2 to give to the document.

3 MR. PARKINSON: The prosecution, your Honor,  
4 is not responsible for the contents of the document.  
5 It is correctly stated that it is a statement of the  
6 government. There is no indication in the document  
7 or subsequent documents exactly who that spokesman  
8 was. However, the latter part of the document refers  
9 to comments by Prince KONOYE. The assumption is that  
10 since this is an issuance of the foreign office, and  
11 with that reference, that it was a comment or an  
12 official statement from the official spokesman, namely,  
13 the Premier.

14 THE PRESIDENT: Proceed with the reading of  
15 the document.

16 MR. PARKINSON: The reading of this document  
17 was concluded, your Honor.

18 THE PRESIDENT: There is no objection to it.  
19 It is conceded that it is admissible. The objection  
20 goes to the weight, which we will consider.

21 MR. S. OKAMOTO: I am OKAMOTO, Shoichi,  
22 counsel for the defendant, MUTO, Akira.

23 I wish to call the attention of the Court --  
24 respectfully call the attention of the Court to the  
25 interrogatory of General MUTO admitted yesterday.

1 This morning -- in this morning's large Japanese  
2 newspapers, such as the Asahi and others, it was  
3 reported in connection with the Nanking Incident  
4 that General MATSUI had been criticised -- had been  
5 reprimanded by his own staff officers.

6 THE PRESIDENT: You cannot correct the  
7 newspapers here. We are not here to correct what  
8 appears in the Japanese Press. That would involve  
9 a great waste of time for us. You have no remedy  
10 here. You will have to suffer the Japanese Press.

11 MR. S. OKAMOTO: There is just one point  
12 -- one simple point concerning the interrogatory  
13 which I would like to be permitted to state here.

14 In the 6th page of the Japanese text, which  
15 corresponds to the 5th page of the English text,  
16 there are words to the effect that General MUTO  
17 was reprimanded -- General MATSUI was reprimanded --  
18 by his staff officers in connection with this action.  
19 Several lines later there are these words:

20 "A I was there when General MATSUI was  
21 reprimanded."

22 The next question is:

23 "To whom?"

24 And the answer is:

25 "The Chief of Staff."

1           Several lines later there is -- the  
2           interpreter's words are inserted, saying, "I made  
3           a mistake. 'MATSUI got mad and bawled out his  
4           subordinates.'"

5           Yesterday, instead of saying "mistake,"  
6           this word was read "SHIBUSAWA," which in Japanese  
7           would not make sense, since it was the name of the  
8           former Finance Minister.

9           In Japanese, when honorifics are used, the  
10          passive tense is used. Therefore, the interpreter,  
11          instead of saying, "General MATSUI reprimanded his  
12          officers," translated as "MATSUI was reprimanded  
13          by his officers."

14           THE PRESIDENT: We note what you say, but  
15          we have heard enough.

16           Mr. Parkinson.

17           MR. PARKINSON: If the Tribunal please,  
18          I now offer in evidence prosecution's document No.  
19          IPS 813, being Prince "KONOYE's Talk Regarding the  
20          Adjustment of Sino-Japanese Relations."

21           THE PRESIDENT: Admitted on the usual terms.

22           MR. PARKINSON: I understand the original  
23          and certificate have heretofore been lodged with the  
24          Clerk.

25           CLERK OF THE COURT: Prosecution's document

1 813 will receive exhibit No. 269.

2 (Whereupon, prosecution's exhibit  
3 No. 269 was received in evidence.)

4 MR. PARKINSON: (Reading)

5 "Premier KONOYE's Talk Regarding the  
6 Adjustment of Sino-Japanese Relations."

7 "Dec. 22, 1938."

8 THE PRESIDENT: Mr. Smith.

9 MR. SMITH: If your Honor please, on behalf  
10 of all the defendants, we object to this document.  
11 It purports to be a talk by Mr. KONOYE, who is not a  
12 defendant in this case.

13 THE PRESIDENT: It must be connected up with  
14 the defendants at some stage or other. It is received  
15 subject to that.

16 MR. SMITH: I want to add to the objection,  
17 your Honor, that there is no showing as to where it  
18 came from.

19 MR. PARKINSON: The source of the document  
20 would be indicated on the certificate, a copy of which  
21 I do not have before me.

22 THE PRESIDENT: The Members of the Tribunal  
23 desire you to read the certificate covering each docu-  
24 ment. They do not want to go to the trouble them-  
25 selves of having to ask the Clerk of the Court for the

1 certificate, and certainly it does not do for eleven  
2 members each to have to satisfy himself when you could  
3 meet their requirements by reading the certificate.

4 MR. PARKINSON: Very well, sir.

5 Does your Honor wish the entire certificate  
6 read or just the statement, the source of origin?

7 THE PRESIDENT: Yes.

8 MR. PARKINSON: My question was, your Honor,  
9 if you wished the entire certificate read or just the  
10 source of origin stated therein?

11 THE PRESIDENT: No, we want the entire  
12 certificate read so that it will be in the record.

13 MR. PARKINSON: Very well.

14 THE PRESIDENT: Questions will arise as we  
15 read the record. We will say, "Where did this come  
16 from?" To satisfy ourselves we will have to consult  
17 the original document; and there are eleven of us to  
18 be satisfied. You shorten the work for us and you ~~will~~  
19 keep down the number of objections by the defense if  
20 you read the certificates.

21 MR. PARKINSON: Very well, your Honor.

22 MR. LEVIN: I would like to state to the  
23 Court that there is no certificate attached to any of  
24 these documents in the copies which were furnished to  
25 the defense.

Goldberg & Barton

1                   MR. PARKINSON: Nor did this phase, if the  
2                   Court please, understand that a copy of the certificate  
3                   was necessary for the defense.

(Reading): "Certificate. W. D. C. No." blank  
4  
5 "I.P. S. No. 813. Statement of Source and Authen-  
6 ticity. I, Yuzo, ISONO hereby certify that I am  
7 officially connected with the Japanese Government  
8 in the following capacity, Chief of War Crimes Section,  
9 Foreign Office, and that as such official I have custody  
10 of the document hereto attached consisting of three  
11 pages dated 22 December 1938."

12 MR. LOGAN: If the Tribunal please, it has  
13 just been called to my attention that this document,  
14 No. 269, is exactly the same as the latter part of  
15 the previous one, No. 268.

16 THE PRESIDENT: Complete the reading of the  
17 certificate.

18 MR. PARKINSON: "and described as follows:  
19 Typewritten text of speech by Prince KONOYE regarding  
20 establishment of Sino-Japanese friendship. I further  
21 certify that the attached record and document is an  
22 official document of the Japanese Government and that  
23 it is a part of the official archives and files of the  
24 following named Ministry or Department (specifying  
25 also the file number of citation, if any, or any

1 "other official designation of the regular location of  
2 the document in the archives or files). Signed at  
3 Tokyo on this third day of July, 1946. Signature of  
4 official, Y. ISONO. Witness, NAGAHARU, Odo. Seal.  
5 Official capacity" blank.

6 THE PRESIDENT: As to Mr. Logan's point,  
7 there seems to be some resemblance between the last  
8 paragraph of exhibits 268 and 269, but that is as  
9 much as you can say. It does not affect the question  
10 of admissibility. I mean it is only wasting time to  
11 try to stop the document getting in on that account.

12 MR. LOGAN: If your Honor please, it is not  
13 only the last paragraph, but it is the entire speech  
14 made by Prince KONOYE on December 22nd, so that all  
15 of page two and page three of prosecution's exhibit  
16 No. 268 is exactly the same with slight difference in  
17 the translation as document 269. It is the same speech.

18 THE PRESIDENT: Suppose it is. Why couldn't  
19 two men agree to make the same speech? Fifty men could.

20 MR. LOGAN: If your Honor please, this is  
21 the same man that is making the speech, not two men.

22 THE PRESIDENT: That does not appear from  
23 the documents. One is a statement of the government  
24 and the other is a statement by Prince KONOYE.

25 MR. LOGAN: If your Honor please, this morning

1 Mr. Parkinson said that this statement on page two  
2 and page three was the purported speech of KONOYE.  
3 It was made December 22nd, 1938. That is on exhibit  
4 268. Now that is exactly the same speech as they  
5 are introducing here in exhibit 269. It is the same  
6 speech by the same man. It is just repetitious, a  
7 little difference in the translation, a word here,  
8 a phrase there, but it is the same speech. I think  
9 Mr. Parkinson would probably even admit that.

10 THE PRESIDENT: The words are different, but  
11 the sentiment seems to be the same certainly. Why  
12 are you pressing this second document, Mr. Parkinson?  
13 You are just putting it in because they gave it to  
14 you with the certificate, or because you think it is  
15 of some value?

16 MR. PARKINSON: No. At the time I thought it  
17 was of some value. I am quite willing to dispense  
18 with the reading of it.

19 THE PRESIDENT: Well, in substance it is the  
20 same as 268, is that so?

21 MR. PARKINSON: I think so.

22 MR. BROOKS: If the Tribunal please, I am  
23 informed by Japanese counsel that the Japanese characters  
24 or the Japanese writing are identical, that the only  
25 difference is the translation on English copy.

1                   MR. PARKINSON: I had not been informed of  
2 that, your Honor. I would not have offered it. If  
3 that is true, I withdraw the tender.

4                   THE PRESIDENT: You withdraw the document?

5                   MR. PARKINSON: If it is identical, I most  
6 assuredly do.

7                   THE PRESIDENT: You have our permission to  
8 withdraw it.

9                   MR. PARKINSON: Thank you.

10                  I now offer in evidence IPS Document 1338  
11 consisting of two parts: one, materials for private  
12 report to the Emperor by Minister UGAKI, and another,  
13 part two, report of Foreign Minister ARITA to the  
14 Privy Council at its meeting 29 November 1938.

15                  CAPTAIN KLEIMAN: May it please ---

16                  THE PRESIDENT: Well, read the certificate,  
17 will you? And don't let me have to ask for that  
18 certificate every time. You must read the certificate  
19 when you present a document.

20                  MR. PARKINSON (Reading): "W. D. C. Number"  
21 blank, "I. P. S. No. 1338. Statement of Source and  
22 Authenticity. I, SHIMODA, Takeso, hereby certify  
23 that I am officially connected with the Japanese Govern-  
24 ment in the following capacity, Chief of the Archives  
25 Section, Foreign Office, and that as such official I

1 "have custody of the document hereto attached consisting  
2 of six pages, dated 21 September 1938 and described  
3 as follows: Materials for the private report to the  
4 Emperor by Minister UGAKI (East Asia Bureau, First Section)  
5 I further certify that the attached record and docu-  
6 ment is an official document of the Japanese Government  
7 and that it is a part of the official archives or files  
8 of the following named Ministry or Department (spec-  
9 ifying also the file number of citation, if any, or  
10 any other official designation of the regular location  
11 of the document in the archives or file). Signed at  
12 Tokyo on this 31st day of July, 1946. Signature of  
13 official, T. SHIMODA, Chief of Archives Section,"his  
14 "official capacity."

15 "Statement of Official Procurement. I,  
16 Edward Monahan, hereby certify that I am associated  
17 with the General Headquarters of the Supreme Commander  
18 for the Allied Powers, and that the above-described  
19 document was obtained by me from the above-signed  
20 official of the Japanese Government in the conduct  
21 of my official business. Signed at Tokyo on this 31st  
22 day of July, 1946, Edward Monahan, Investigator, IPS."

23 THE PRESIDENT: It is sufficient to read the  
24 first certificate.

25 MR. PARKINSON: Very well, sir. I now offer

1 that document into evidence.

2 THE PRESIDENT: That will be 269, not 270.

3 269 is withdrawn. Admitted on the usual terms.

4 (Whereupon, prosecution's exhibit No.

5 269 was received in evidence.)

6 THE PRESIDENT: Why these futile objections?

7 The thing is under certificate.

8 CAPTAIN KLEIMAN: On the ground of relevancy,  
9 may it please your Honor. May I ask the prosecution  
10 this question? Have they any minutes of the proceedings  
11 of the Privy Council with respect to this speech? Has  
12 the Privy Council taken any action with reference to  
13 this speech?

14 THE PRESIDENT: You will be concerned for the  
15 first time when they show the Privy Council did take  
16 action and that your client was a member of the Privy  
17 Council and took part in the action.

18 This position was explained to you yesterday  
19 very fully, Captain Kleiman.

20 CAPTAIN KLEIMAN: If that is the ruling of  
21 the Court, may it please the Tribunal, I will never  
22 again step up if the burden of proof is upon the pros-  
23 ecution and there will be no presumption or inference  
24 created against any of these defendants unless the  
25 prosecution proves beyond a reasonable doubt that

1       either of the defendants participated in the par-  
2       ticular provision, I will not step up again. But  
3       I am afraid of assumptions or inferences.

4               THE PRESIDENT: I have nothing to add. There  
5       is nothing to be gained by explaining the obvious.

6               CAPTAIN KLEIMAN: Well, may it please the  
7       Tribunal, may I object that ARITA is not a defendant,  
8       the same objection we took before with respect to  
9       the other document?

10              THE PRESIDENT: The objection is disregarded.

11              MR. PARKINSON: Materials for the private  
12       report --

13              CLERK OF THE COURT: Prosecution's document  
14       number 1338 will receive exhibit number 269.

15              (Whereupon, prosecution's exhibit No.  
16       269 was received in evidence.)

17              THE PRESIDENT: There has been a complete  
18       power failure. We will recess until the power has  
19       been restored.

20              (Whereupon, at 1020, a recess was taken  
21       until 1045, after which the proceedings were  
22       resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now  
2 resumed.

3 THE PRESIDENT: Mr. Parkinson, we are anxious  
4 to know whether you supply the defense with certifi-  
5 cates when you hand them a document you propose to  
6 tender. Do you give them a copy of the certificate?

7 MR. PARKINSON: We haven't been so doing,  
8 your Honor, but I just stated to the defense on their  
9 request that we have no objection to pursuing that  
10 course in the future.

11 THE PRESIDENT: In some cases they say,  
12 "We have no certificates," suggesting they may have,  
13 or may have seen, a certificate in others. I have  
14 been under the impression that you were giving them  
15 certificates, or copies thereof. The time wasted  
16 on objections about certificates and about the source  
17 of these documents and the person responsible is  
18 giving us serious concern.

19 MR. PARKINSON: That hasn't been the policy,  
20 your Honor, but I agree that it should be.

21 THE PRESIDENT: Proceed.

22 MR. PARKINSON: (Reading)

23 "Materials for the Private Report to the  
24 Emperor by Minister UGAKI (East Asia  
25 Bureau; First Section)

1        "1. The Negotiation with the British Ambassador  
2        in Tokyo regarding the adjustment of the Problems  
3        Pending between Japan and Britain:

4                "As I (UGAKI) have already reported to you,  
5        the British Ambassador in Tokyo had presented at  
6        the end of July all the so-called pending questions  
7        regarding the British rights and interests in China,  
8        and I have negotiated with him for the solution  
9        of the questions. After that, I had discussed  
10      with him four times successively on the 17th and  
11      20th of August, and the 8th and 14th of September.  
12      At the above meetings, I had told him that Japan  
13      and Britain should mutually understand and recog-  
14      nize calmly and justly each others standpoints.  
15      I had also explained minutely that if Britain,  
16      from a higher point of view, should be more friendly  
17      and conciliatory toward Japan, and abandon her  
18      policy to support Chiang Kai-shék, the relations  
19      between the two countries would be greatly improved,  
20      and the pending questions would easily be solved.  
21      But the British Ambassador emphasized repeatedly  
22      that Britain had attached the greatest important  
23      to the prompt settlement of the questions between  
24      Japan and Britain regarding the British rights  
25      and interests in China. We have not yet come to

1 a complete understanding. As for my part, I wish to  
2 explain to him more minutely Japan's standpoint, and  
3 through the Ambassador, I shall try to convert the  
4 British attitude toward Japan. For this purpose,  
5 I intend to continue further negotiations with him.  
6 "2. The Question regarding the British and French  
7 Concessions in Tientsin:

8 "Since the outbreak of the Incident, the  
9 authorities of the British and French concessions  
10 in Tientsin have adhered to their so-called neutral  
11 position, and have been inclined to hesitate in an  
12 effort for cooperation requested by the Interim  
13 Government and Japan. The outstanding examples are  
14 that both these concessions are breeding places for  
15 communistic anti-Japanese elements and are the bases  
16 of operations for the intrigue to disturb peace and  
17 order in the North China area by Chiang Kai-shek's  
18 Regime. Various communistic anti-Japanese newspapers  
19 and magazines are being published chiefly in these  
20 areas. Japan has repeatedly demanded the British  
21 and French authorities to strictly control these  
22 activities, but we have been unable to get their  
23 full cooperation.

24 "Both the Bank of China and the Communi-  
25 cation Bank /Kotsu Ginko/ had participated and co-

1 operated in the establishment of the Federal Reserve  
2 Bank which is the source of monetary system in North  
3 China. But afterward, through the conspiracy of the  
4 Chiang Kai-shek regime, these two banks in the French  
5 concession in Tientsin refused an inspection by the  
6 Federal Reserve Bank, and the authorities of the  
7 French Concession also refused the above inspection.  
8 These two banks have preserved within the two con-  
9 cessions a great amount of silver ingots which are  
10 supposed to be for the preparation of the monetary  
11 system in North China. As it is necessary for the  
12 Temporary Government and Japan to take hold of these  
13 silver ingots as soon as possible, we must first of  
14 all make the French Settlement authorities give up  
15 their interference mentioned above. Moreover, we  
16 had the Chinese Government take over the Telephone  
17 Bureau in Tientsin immediately after the outbreak of  
18 the Incident. But the Telephone Bureau in the Bri-  
19 tish Settlement has not yet been handed over to the  
20 Chinese Government, due to the lack of positive assis-  
21 tance by the British authorities. It is necessary  
22 to force the authorities to hand the Bureau over to  
23 China at once. Under these circumstances, the Ja-  
24 panese authorities at Tientsin have repeatedly nego-  
25 tiated with the authorities of the British and French

1 Settlements, but I am sorry to say that we have not  
2 seen any outstanding developments in the negotiations.  
3 Therefore, with the purpose of threatening the British  
4 and French authorities, our authorities there lately  
5 ordered the Japanese people to prepare to evacuate  
6 from the two concessions. This seemed to have had  
7 some reflection on the British and French authorities.  
8 According to reports from the consul-general in  
9 Tientsin, both the British and French authorities  
10 have recently assumed the attitude to cooperate a  
11 little with us, and:

12 "a. They have decided to prepare to post  
13 notice simultaneously in both concessions announcing  
14 the thoroughgoing control of riotous activities.

15 "b. They have agreed to hold joint meet-  
16 ings among the Japanese, British and Chinese police  
17 authorities and negotiate in order to exchange infor-  
18 mations and cooperate in the control.

19 "c. They have enforced the control of un-  
20 lawful wireless apparatuses in the settlements.

21 "For the accomplishment of our various de-  
22 mands, we have plans to continue further negotiations  
23 with the British and French authorities both in Tokyo  
24 and Tientsin.

25 "3. The establishment of the Federated Committee of

1 the Government of the Republic of China:

2 "Since the establishment of the Chinese  
3 Interim Government in December last year, and the  
4 Revolutionary Government in March this year, these  
5 two regimes have been separated in the north and in  
6 the south and there had been no organ to link their  
7 controls.

8 "They have been working from their respective  
9 standpoints to hastily organize their administration,  
10 finance and public peace, etc. Japan will further  
11 proceed with her effort in the destruction of the  
12 Chiang Kai-shek Regime, while contemplating carefully  
13 the establishment of a new Chinese Central Government  
14 in its place. As a premise for the establishment of  
15 a new Chinese Central Government, Japan has decided  
16 to immediately establish a Federated Committee with  
17 the cooperations of both the Interim Government and  
18 the Revolutionary Government and including the Mon-  
19 golia-Sinkiang Federated Committee. The above regimes,  
20 thereafter, will absorb or cooperate with the other  
21 elements, and thereby establish a true central gov-  
22 ernment. Accordingly, on the 27th and 28th of August,  
23 the representatives from our Government in Tokyo, and  
24 our military authorities in Tientsin met at Fukuoka,  
25 and have decided on a basic plan. Then on the 9th

1 and 10th of September, the representatives from the  
2 Interim and the Revolutionary Governments, together  
3 with the Japanese representatives met at Dairen, and  
4 have finally decided to establish a Federated Com-  
5 mittee of the Government of the Republic of China  
6 at Peking. On the 22nd, an establishment ceremony  
7 was held, and the first committee meeting is scheduled  
8 to be held on the 23rd. The Committee will control  
9 the common administrative affairs of the two govern-  
10 ments, while the chief purpose will be to facilitate  
11 the establishment of a New Central Government. By  
12 this the Committee will not only facilitate and uni-  
13 fy the administration of the two governments, but also  
14 will have an important significance in the preparation  
15 to establish a new Central Government in the future.  
16 The chairman of the Committee is Mr. Wang Ko-Min,  
17 head of the administrative Commission of the Chinese  
18 Interim Government. The committee shall consist of  
19 three members from each of the true governments, in-  
20 cluding the presidents.

21 "REPORT OF FOREIGN MINISTER ARITA TO THE  
22 PRIVY COUNCIL AT ITS MEETING 29 NOVEMBER 1938  
23 (SHOWA 13) DEALING WITH THE FOREIGN POLICY  
TOWARDS CHINA.

24 "The policy for the adjustment of the new  
25 Sino-Japanese relations.

1                   " As to the policy for the adjustment of the  
2 new Sino-Japanese relations, it is our intention to  
3 proceed on the basis of the following points with a  
4 view to establishing a new order in East Asia through  
5 mutual collaboration in political, economic and cul-  
6 tural fields among Japan, Manchukuo, and China:

7                   " I The problem of making peace with the  
8 Chiang Kai-shek Regime.

9                   " First of all, as to the problem of  
10 making peace with the Chiang Kai-shek Government,  
11 the British Ambassador to Japan made the other day  
12 an unofficial proposal to Premier Konoye. Our side  
13 rejected it on the ground that the time was not yet  
14 opportune. It is our policy not to carry this out,  
15 irrespective of whether the proposal is made through  
16 the mediation of a third power or directly from the  
17 Chiang Kai-Shek Government. However, as declared in  
18 our Government's statement of November 3rd this year,  
19 if the Chiang Kai-Shek Government should abandon its  
20 pro-Comintern and anti-Japanese policy, reform the  
21 composition of its organization, and voluntarily dis-  
22 solve its regime and merge with the New Central Govern-  
23 ment, a different consideration would be given to the  
24 matter.

25                   " II The adjustment of diplomatic relations

with the New Central Government.

1                    "So long as we are not to make peace  
2                    with the Chiang Kai-shek Government, as stated  
3                    above, our country will foster the establishment  
4                    of a solid New Central Government on the basis  
5                    of the pro-Japanese regime which has been already  
6                    established and others which are scheduled to be  
7                    newly established in Hankow and Canton, and, after  
8                    the New Central Government has been firmly estab-  
9                    lished, we hope to achieve the following programmes  
10                    with the New Central Government:

12                    "A. The realization of the principle  
13                    of general collaboration among Japan, Manchukuo,  
14                    and China, especially the principles of good  
15                    neighborly, friendship, joint defense against  
16                    the Comintern, and economic cooperation.

17                    "B. The establishment in North China and  
18                    Mengchiang of a zone of a high degree Sino-Japanese  
19                    unity in defense and economic spheres (especially  
20                    the development and utilization of natural resources).

21                    "In addition to the foregoing, the estab-  
22                    lishment in Mengchiang of a special military and  
23                    political zone for anti-Comintern purpose espec-  
24                    ially.

25                    "C. The establishment along the lower

1 basin of the Yangtze River of a zone of high  
2 degree Sino-Japanese unity in economic collaboration.

3 "D. In South China, besides the establish-  
4 ment of special zones on certain specified islands  
5 along the coast, endeavours shall be made to secure  
6 the foundation of Sino-Japanese cooperation and  
7 collaboration, with the major cities and towns  
8 as the starting points.

9 "I shall now explain hereunder the fore-  
10 going items in more details. The first item, that  
11 is, the realization of the principle of neighborly  
12 friendship, involves the following points:

13 "(1) The recognition of Manchukuo by  
14 China. China shall recognize Manchukuo; both  
15 Japan and Manchukuo shall respect the territorial  
16 integrity and sovereignty of China; and Japan,  
17 Manchukuo and China shall establish new diplomatic  
18 relations with each other.

19 "(2) In the various fields of politics,  
20 diplomacy, education, propaganda and trade, Japan,  
21 Manchukuo, and China shall remove, and also pro-  
22 hibit in the future, measures and causes which  
23 mutually destroy the friendly relations among them.

24 "(3) Japan, Manchukuo, and China shall  
25 cooperate with each other to harmonize, create and

1 develop the culture of the three countries.

2 "Regarding the second item, namely, the  
3 principle of joint defense, we hope to have Japan,  
4 Manchukuo, and China, with the chief objects of  
5 jointly defending themselves against the Comintern  
6 and at the same cooperating with each other in the  
7 maintenance of common public order and peace, adopt  
8 the following program:

9 "(1) Cooperation of Japan, Manchukuo,  
10 and China against the Comintern.

11 "(2) Enforcement of joint Sino-Japanese  
12 defense against the Comintern. For this purpose,  
13 Japanese Army is to be stationed in North China  
14 and Mengchiang.

15 "(3) The conclusion of a Sino- Japanese  
16 military alliance against the Comintern.

17 "(4) The early withdrawal of Japanese  
18 troops, excepting the stationing of troops in  
19 specified zones, points, and islands for the  
20 purpose of guarantee and the maintenance of public  
21 peace and order.

22 "(5) Financial cooperation on the part  
23 of China with respect to the stationing of Japanese  
24 troops in China for the purpose of cooperation in  
25 maintaining public peace and order.

1                     "(6) The reservation of military demands  
2 and right of supervision over railways, aviation,  
3 communications, principal harbours, waterways, etc.,  
4 and cooperation in the improvement and adjustment of  
5 Chinese Army and police force.

6                     "Finally, in regard to the principle of  
7 economic cooperation, we desire that Japan, Man-  
8 chukuo, and China, shall, in accordance with the  
9 aim of common reciprocity based on the object of  
10 making up each other's deficiencies and supplying  
11 each other's needs in respect to industry and eco-  
12 nomics with the view to realizing the fruits of  
13 mutual link and joint defense, conclude agreements  
14 whcih may be necessary to realize the following  
15 items with respect to the development of resources,  
16 customs, trade, aviation, transportation, communi-  
17 cation, meteorological observations and surveys  
18 in the three countries:

19                     "(1) Regarding the development and  
20 utilization of natural resources, emphasis shall  
21 be laid on the securing from North China and Meng-  
22 chiang of those resources, especially underground  
23 resources, which Japan and Manchukuo lack. For  
24 this purpose China shall offer every possible  
25 facility. Likewise, in other districts, also,

1 China shall offer necessary facilities for the  
2 development of specified resources.

3 "(2) For the establishment of China's  
4 financial and economic policies, Japan shall render  
5 such aids as may be required.

6 "(3) In regard to trade, appropriate  
7 customs and maritime customs system shall be  
8 adopted, so as to promote the general trade among  
9 Japan, Manchukuo, and China.

10 "(4) Necessary assistance and cooperation  
11 shall be given for the development of transportation,  
12 communications, meteorological observations, surveys,  
13 etc., in China.

14 "III With respect to the powers: interests  
15 and rights in China, the Japanese Government has, as  
16 may be seen from its repeated statements and guaran-  
17 tees, tried its best to respect these rights and  
18 interests. However, due to military necessities,  
19 etc., some restrictions have been imposed. Recently,  
20 Britain, the United States, etc., have made various  
21 representations based on the principle open-door  
22 and equal opportunity. In this connection, it is  
23 the intention of the Imperial Government to cope  
24 with the situation by adopting the policy of exam-  
25 ining the so-called open-door and equal opportunity

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21 representations based on the principle open-door  
22 and equal opportunity. In this connection, it is  
23 the intention of the Imperial Government to cope  
24 with the situation by adopting the policy of exam-  
25 ining the so-called open-door and equal opportunity

1 principle from the standpoint of the establishment  
2 of a Japan-Manchukuo-China economic bloc based  
3 upon the necessities for the existence and defense  
4 of our Empire, and of not recognizing such a prin-  
5 ciple within the extent that it is incompatible  
6 with this standpoint.

7 "To put the above in a concrete form,  
8 our chief objects are that:

9 "(a) Japan shall control in substance  
10 the development of natural resources for national  
11 defense in principally North China and Mengchiang.

12 "(b) The currency system, customs, and  
13 maritime customs system in new China shall be  
14 adjusted from the standpoint of Japan-Manchukuo-  
15 China economic bloc.

16 "So long as the powers' rights and in-  
17 terests in China do not conflict with the foregoing  
18 two objects, we will not purposely exclude and  
19 restrict them. Furthermore, to these countries  
20 which, like Germany and Italy, show a friendly  
21 attitude towards Japan, it is our policy to welcome  
22 their participation in the economic development of  
23 New China.

24 "Diplomatic policy towards the third  
25 powers.

1                   " As regards the diplomatic policy towards  
2 the third powers, in view of the attitude of Britain,  
3 the United States, and France of interfering with  
4 Japan's policy toward China by bringing out the  
5 Nine-Power Treaty, we shall endeavor to reject the  
6 idea of disposing of the Chinese problem by the Nine-  
7 Power Treaty and other collective machinery. At  
8 the same time, with the object of forcing the powers  
9 individually to understand the facts our policy  
10 toward China and either voluntarily support our  
11 country's attitude or at least stand by idly through  
12 the reinforcement of the anti-Comintern axis of  
13 Japan, Germany and Italy, and disposing of the  
14 China Affair as quickly and clearly as possible,  
15 we wish to adopt measures according to the follow-  
16 ing outline:

17                   "(1) To strengthen the political re-  
18 lations among Japan, Germany, and Italy, and the  
19 economic cooperation among Japan, and Manchukuo  
20 on the one side and Germany and Italy on the other.

21                   "(2) To strive, through the powerful and  
22 clear disposition of the China Affair, to make  
23 Britain, the United States, and France understand  
24 de facto our policy toward China and individually  
25 abandon their past policy of aiding the Chiang.

1 Kai-shek regime and their idea of disposing of the  
2 East Asiatic question by means of collective  
3 machinery. As the instrument of these moves  
4 against the above three countries, particularly  
5 Britain, utilization should be made of the guarantee  
6 of their rights and interests in China, besides the  
7 adoption of great diplomatic measures, such espec-  
8 ially against Britain, besides big diplomatic as  
9 the reinforcement of the Anti-Comintern Pact among  
10 Japan, Germany, and Italy. However, in order to  
11 avoid unnecessary frictions, those individual  
12 pending cases which are harmless to the superior  
13 position occupied by Japan in East Asia shall be  
14 settled one after another.

15 "(3) To carry out every possible measure  
16 for making the Soviet Union refrain from actively  
17 participating in the present Affair."

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1                   MR. PARKINSON: I now wish to offer IPS docu-  
2                   ment 1685, being "Gist of Talk by SATO, Kenryo, Chief  
3                   of Press Section, War Ministry," to which document the  
4                   following certificate is attached.

5                   THE PRESIDENT: The only certificate you need  
6                   read is that of the Japanese official.

7                   When you supply copies of the certificates to  
8                   the defense it may be sufficient merely to say that  
9                   you have the necessary certificate and that it has been  
10                  filed. That will dispense with the reading of the  
11                  certificate in most cases, we hope. We are insistent  
12                  upon having the source of these documents and the per-  
13                  sons responsible for them. We want to know who said  
14                  these things and when.

15                  MR. PARKINSON: In the instant case, your  
16                  Honors, the certificate is not from the Japanese Govern-  
17                  ment but from the head of the document room or document  
18                  section of IPS, showing the origin or the source from  
19                  which he received this document.

20                  May I read that certificate, your Honor?

21                  THE PRESIDENT: Yes, read it.

22                  MR. PARKINSON: (Reading) "Certificate. I,  
23                  E. E. Danly, hereby certify--"

24                  THE PRESIDENT: That is not the Japanese cer-  
25                  tificate, is it?

MR. PARKINSON: No, sir.

THE PRESIDENT: Well, that is the certificate we want. Where you get a document from the Japanese Government we want you to read the certificate from the Japanese official.

MR. PARKINSON: May I ask the indulgence of the Tribunal?

MR. TAVENNER: Mr. President, and Members of the Tribunal: On June 4 the Court laid down a rule for our guidance in regard to certifications and authentications in this language:

"The Tribunal also orders that the prosecution be at liberty to produce in Court documents obtained from the Japanese Government offices purporting to be records and files from such offices without further authentication."

THE PRESIDENT: None of the documents about which a question arose today did purport to be those things, so a certificate was required.

MR. TAVENNER: I recognize the point of your Honor. Where the document, however, does purport to be from the official files we would take it that this ruling on June 4 would apply. As I understood the last document, this rule would apply by reason of the fact that it shows on its face that it is from the official

1 documents.

2 THE PRESIDENT: This is the difficulty. A  
3 thing does not necessarily purport to be from a Japanese  
4 Government office if you decide to write across it  
5 that it is from one. In other words, the evidence of  
6 its purport has to be on its face when you get it from  
7 the Japanese Government.

8 MR. TAVENNER: This document shows, if your  
9 Honor please, the following:

10 "At the temporary conference of Police Bureau  
11 Chiefs in the Home Office."

12 In addition to this, the certificate of Mr.  
13 Danly shows from whom it was received, which would  
14 also be evidence of the place from which it came. Our  
15 only purpose is to obviate the necessity of doing what  
16 the Court decided on June 4 that we should not be com-  
17 pelled to do, which appears in this language in the  
18 Court's opinion:

19 "The purpose of the prosecution is to obviate  
20 the needs for hundreds of certificates of authenticity."

21 THE PRESIDENT: You are getting into another  
22 field. We are not going back on any decision we made,  
23 but we are talking about these cases in which you have  
24 the certificates, have seen the need for them, but have  
25 not supplied the defense with copies. We are not

1 dealing with the case where you are excused from getting  
2 the certificate, but with cases where you have obtained  
3 the certificates.

4 MR. TAVENNER: Then I am correct, I suppose,  
5 in assuming that the statement made by your Honor on  
6 return from the recess does not apply to the situation  
7 which we have described here?

8 THE PRESIDENT: I have said nothing which  
9 affects any decision the Court has already made.

10 MR. FREEMAN: If the Tribunal pleases, my name  
11 is James N. Freeman, American counsel for SATO, Kenryo.

12 On behalf of the accused SATO I would like to  
13 object to this document being offered in evidence, on  
14 the ground of authenticity and relevancy. It is  
15 obvious on its face that this document is not the  
16 speeches made by SATO on August 25 and 29, 1938. The  
17 preface to the document indicates that this document  
18 was written and edited by someone other than the accused.  
19 I quote the preface:

20 "Two talks by SATO, Kenryo, are practically  
21 the same except for a slight change in the contents  
22 and in the order. Following is a collection of both  
23 talks. The responsibility for the wordings, of course,  
24 is on the writer."

25 These speeches were extemporaneous and at no

1 time did the accused reduce them to writing.

2 MR. PARKINSON: I object to that last remark  
3 of counsel. There is nothing in the record to show  
4 that fact.

5 MR. FREEMAN: I suggest the preface shows that  
6 fact.

7 THE PRESIDENT: The document is admissible, but  
8 what you mention is a consideration. It may be that  
9 when he said he is responsible for the wording, he is  
10 responsible for having taken it from an oral speech and  
11 not from anything written. That is a matter we will  
12 have to ponder upon.

13 Your objection must be overruled.

14 MR. FREEMAN: Well, may I continue? I suggest,  
15 then, it is only reasonable that the prosecution be  
16 required to inform the Court who is the writer and  
17 where the material came from that is included in this  
18 document.

19 THE PRESIDENT: I think they should endeavor  
20 to tell us who the writer is.

21 MR. PARKINSON: We can at least attempt to  
22 find out, your Honor.

23 THE PRESIDENT: Some effort should be made,  
24 because without knowing who he is we may give it no  
25 effect whatsoever. Here again I speak for myself only.

1                   We will receive it for whatever probative  
2                   value it has.

3                   DEPUTY CLERK OF THE COURT: Prosecution's  
4                   document 1685 will receive exhibit No. 270.

5                   (Whereupon, the document above  
6                   referred to was marked prosecution's exhibit  
7                   No. 270 for identification, and was received  
8                   in evidence.)

9                   MR. PARKINSON: May I proceed to read, your  
10                   Honor?

11                   THE PRESIDENT: You have not completed the  
12                   reading of the certificate yet.

13                   MR. PARKINSON: (Reading) "I, E. E. Danly  
14                   hereby certify:

15                   "1. That I am Chief of the Document Division of the  
16                   International Prosecution Section, GHQ, SCAP, and as  
17                   such have possession, custody, and control of original  
18                   or copies of captured enemy documents obtained by the  
19                   said section.

20                   "2. That document No. 1685 was delivered to me from  
21                   the Japanese Home Ministry as being an original or  
22                   copy of an enemy document that had been captured or  
23                   obtained by military forces acting under the Supreme  
24                   Commander Allied Forces, and such document has been  
25                   continuously in my custody since such delivery.

"E. E. Danly."(Signature)

1 THE PRESIDENT: Having no certificate from  
2 the Japanese Government you must satisfy us that on  
3 its face as you received it it purports to be from  
4 enemy sources. You can do that by reading only so  
5 much of the document as constituted it when you  
6 received it, omitting all subsequent additions.

7 MR. PARKINSON: We will now tender this  
8 certificate as a part of exhibit 270.

9 THE PRESIDENT: I suppose the "Gist of  
10 Talk by SATO" did not appear.

11 MR. PARKINSON: "Gist of Talk by SATO,  
12 Kenryo--"

13 THE PRESIDENT: No, just read the document  
14 as you received it from enemy sources so that we can  
15 tell ourselves whether it purports to come from such  
16 a source.

17 MR. PARKINSON: May I ask the indulgence of  
18 the Court for a moment?

19 What we have, your Honor, is the original,  
20 an original volume, in the Japanese language.

21 THE PRESIDENT: It is just as important to do  
22 this as it is to read a certificate. The defense can  
23 come to your aid if they wish and tell you they are  
24 satisfied that what you read or will read was on the

1 document when you received it; but they are under no  
2 obligation to do that.

3 MR. PARKINSON: I understand the defense  
4 declines to come to the aid. For that reason--

5 THE PRESIDENT: Well, you will have to get a  
6 Japanese translator alongside you to guide you.

7 MR. FREEMAN: If the Tribunal please, I regret  
8 that I cannot come to the prosecution's aid. My  
9 client says there are many statements in this document  
10 that he did not make.

11 THE PRESIDENT: Well, you had better read what  
12 you say was on the document when you received it and  
13 let the defense correct you if necessary.

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G 1                   MR. PARKINSON: If your Honor please, since  
r 2 the question which has been raised involves reading  
e 3 in Japanese, it may recur in the next several docu-  
e 4 ments. It is necessary for me to have present, and  
n 5 I have sent for one who speaks and reads Japanese  
b 6 to enable me to proceed.

B 7                   MR. BROOKS: With grave respect to the  
a 8 Court --

r 9                   THE PRESIDENT: Captain Brooks, I don't  
t 10 think that at this stage you should make an object-  
o 11 ion.

n 12                   MR. BROOKS: I am not objecting --

13                   THE PRESIDENT: This is a difficult matter,  
14 and it would be better left to the prosecution and  
15 the Court for the time being. Your rights are fully  
16 reserved. After I have dealt with Mr. Parkinson,  
17 you may state what you think about it or what you  
18 ask the Court to do.

19                   MR. BROOKS: I was going to --

20                   THE PRESIDENT: Mr. Parkinson, will you  
21 please get a translator?

22                   MR. PARKINSON: I have sent for one, your  
23 Honor.

24                   THE PRESIDENT: I see three here. Would you  
25 like to use the services of any of them?

1                   MR. PARKINSON: Yes, sir, any one of them.

2                   THE PRESIDENT: Major Moore and the two  
3                   gentlemen associated with him.

4                   MR. BROOKS: If the Court please, that was  
5                   exactly what I was going to suggest, and I was not  
6                   going to object.

7                   LANGUAGE ARBITER (Major Moore): If the  
8                   Court please, this document appears to us to be a  
9                   collection of documents relating to the settlement  
10                   of the China Incident, covering the period 16 Janu-  
11                   ary, 1938 to 30 December, 1939. It consists of  
12                   180 pages, handwritten and typed, on Home Ministry  
13                   stationery. Certain of the documents bear the seal  
14                   of the Security Section.

15                   THE PRESIDENT: Can you find among the  
16                   180 pages anything which corresponds with this  
17                   exhibit No. 270?

18                   LANGUAGE ARBITER (Major Moore): There is  
19                   one here, sir, of August 25, 1938. We are not pre-  
20                   pared at the moment to say that this is actually a  
21                   translation of this speech. From the title here  
22                   given we would presume that it is.

23                   THE PRESIDENT: Do not make any presumptions.  
24                   Take exhibit No. 270, Major Moore, and see whether  
25                   the first ten lines are to be found among the 180

1 pages to which you referred.

2 LANGUAGE ARBITER (Major Moore): The  
3 interpreter will read the first ten lines.

4 (Whereupon, the original document  
5 in Japanese was handed to an official in-  
6 terpreter who translated as follows:)

7 THE INTERPRETER: "Gist of a talk by  
8 Colonel SATO, Kenryo, Chief of the Press Section of  
9 the War Ministry, 25 of August, 1938, 29 of August,  
10 1938, at the Extraordinary Conference of Chief of  
11 Police of the Home Ministry.

12 "Colonel SATO's talk was given on two  
13 occasions, and they are more or less the same; but,  
14 as to the order and the contents, there are some  
15 points on which differences may be found."

16 MR. BROOKS: He is reading from the wrong  
17 one.

18 THE PRESIDENT: He is on the right one.  
19 Please don't interrupt.

20 THE INTERPRETER (Continuing): "But, both  
21 of them have been synthesized and included here.  
22 The responsibility for the text rests upon the  
23 reporter. Concerning the disposal -- concerning the  
24 policy for the disposal of the incident -- in this  
25 incident --"

1 LANGUAGE ARBITER (Major Moore): If your  
2 Honor please, sir, we will read from the printed  
3 text and we will follow the handwritten text. The  
4 handwritten text is entirely too difficult to read  
5 here on the spot.

6 THE PRESIDENT: I am satisfied, and my  
7 colleagues think that it is sufficient evidence that  
8 this purports to come from enemy sources and that  
9 you may read now, Mr. Parkinson.

10 LANGUAGE ARBITER (Major Moore): If your  
11 Honor please, the question has arisen whether we  
12 should not read in Japanese what was read in Eng-  
13 lish.

14 THE PRESIDENT: Yes, you should.

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MR. PARKINSON: (Reading):

"Gist of the Talk by SATO, Kenryo,  
Chief of Press Section, War Ministry.

"Aug. 25 - Aug. 29, 1938,  
At the temporary conference of Police  
Bureau Chiefs in the Home Office.

"Two talks by SATO, Kenryo, are practically the same except for a slight change in the contents and in the order. Following is a collection of both talks. The responsibility for the wordings of course is on the writer.

## "On the Policy in Dealing with the Chinese Incident.

"Under the present incident, I believe, there are many doubtful points in the government's policies in coping with the incident to all the people in positions to lead the public in regards to maintaining peace and order in various districts and in making the people understand the object of this affair. I also believe that these people are not the least dissatisfied from the point of executing their duties. To this I am of the same opinion. The truth is that the highest authorities themselves are not very clear on this policy of dealing with the Chinese Incident. The division commanders and brigade commanders also have asked me the same questions and they, too, seem to hope for a definite policy.

1           "However, this is, in reality, a very dif-  
2           ficult problem. In the case of the Sino-Japanese  
3           War all we had to do was to repel the Chinese forces  
4           from the Korean Peninsula, and in the Russo-Japanese  
5           War all we had to do was to clean up the Russian in-  
6           fluence from South Manchuria and to annihilate the  
7           Russian troops. Both these wars had a very simple  
8           object, but this present incident is quite different  
9           and is very complicated.

10           "The present incident, in the first place,  
11           has a very complicated and an always changing object.  
12           Therefore, the objects of operations are not definite.  
13           Even if the object is definite:

- 14           "1. Manipulation of troops for operations on the  
15           continent.
- 16           "2. The abnormal conditions of China--without  
17           the modern national system, she is like an  
18           earthworm, for no matter how she is cut up,  
19           each portion will continue its existence.
- 20           "3. Britain and Russia are in the back of China,  
21           aiding her directly and indirectly, greatly  
22           hampering our field of operations.

23           "At the time of the outbreak of the present  
24           conflict in the Marco Polo Bridge incident in July  
25           last year, Japan's attitude was to take the policy of

1                   "However, this is, in reality, a very dif-  
2                   ficult problem. In the case of the Sino-Japanese  
3                   War all we had to do was to repel the Chinese forces  
4                   from the Korean Peninsula, and in the Russo-Japanese  
5                   War all we had to do was to clean up the Russian in-  
6                   fluence from South Manchuria and to annihilate the  
7                   Russian troops. Both these wars had a very simple  
8                   object, but this present incident is quite different  
9                   and is very complicated.

10                  "The present incident, in the first place,  
11                  has a very complicated and an always changing object.  
12                  Therefore, the objects of operations are not definite.  
13                  Even if the object is definite:

- 14                  "1. Manipulation of troops for operations on the  
15                   continent.
- 16                  "2. The abnormal conditions of China--without  
17                   the modern national system, she is like an  
18                   earthworm, for no matter how she is cut up,  
19                   each portion will continue its existence.
- 20                  "3. Britain and Russia are in the back of China,  
21                   aiding her directly and indirectly, greatly  
22                   hampering our field of operations.

23                  "At the time of the outbreak of the present  
24                  conflict in the Marco Polo Bridge incident in July  
25                  last year, Japan's attitude was to take the policy of

1 settling the incident on the spot and not to spread  
2 the hostilities. In spite of this, the Chinese have  
3 not stopped their disturbances, repeatedly bringing  
4 about the Kwan-an Gate Incident in Peking and the  
5 Oyama Incident in Shanghai.

6 "Finally, our government, on August 15 at  
7 1.30 a.m. had made a declaration to the world of our  
8 intentions. The gist of the declaration is as fol-  
9 lows:

10       "Japan, in the hope of establishing ever-  
11 lasting peace in East Asia, has, for a long time,  
12 strived for a friendly coalition between China and  
13 Japan. However, the Nanking Government, overconfident  
14 in her national power, and ignoring the true strength  
15 of Japan, has come to cross swords with our country  
16 in collaboration with the communistic influences by  
17 taking an anti-Japanese stand and insulting our Empire.  
18

19       " In recent years, the Chinese have provoked  
20 repeated disgraceful incidents. This time they have  
21 caused the outbreak of a disgraceful affair on the  
22 banks of the Yung-King River. (Marco Polo Bridge  
23 Incident), and they have ventured atrocious acts,  
24 not to be tolerated by both mankind and God, upon  
25 many Japanese residents in Tung-Chow. The lives and  
properties of Japanese residents in Central and South

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2                   the hostilities. In spite of this, the Chinese have  
3                   not stopped their disturbances, repeatedly bringing  
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20                  caused the outbreak of a disgraceful affair on the  
21                  banks of the Yung-King River. (Marco Polo Bridge  
22                  Incident), and they have ventured atrocious acts,  
23                  not to be tolerated by both mankind and God, upon  
24                  many Japanese residents in Tung-Chow. The lives and  
25                  properties of Japanese residents in Central and South

1 China have faced a grave crisis and our countrymen  
2 have had to evacuate temporarily from their lands of  
3 long years of peaceful living.

4       "However, Japan, through patience and self-  
5 respect, has earnestly hoped not to spread the hos-  
6 tilities, and has repeatedly implored the Nanking  
7 Government in the hope of settling the incident on  
8 the spot peacefully, to stop their acts of hostilities  
9 and not to obstruct our intentions of settling the  
10 affair. Without paying any heed they, on the contrary,  
11 prepared arms against the Empire and finally bombed  
12 our ship in Shanghai.

13       "\*\*The situation having come to this point,  
14 Japan, unable to have patience any longer, responded  
15 the bombing and in order to demand the Nanking Govern-  
16 ment's reconsiderations, a definite measure has had  
17 to be taken.

18       "\*\*And this measure is none other than to up-  
19 root China's anti-Japanese activities and to do away  
20 with the source of such disgraceful incidents, there-  
21 by realizing the friendly coalition among the three  
22 nations, Japan, China, and Manchukuo. Japan has no  
23 territorial ambitions whatever, etc.'

25       "The above statement may be called a decla-  
ration of war. Our motive at that time was not to

1 overthrow the government of China but to repel the  
2 revolting army to demand the Nanking Government's  
3 reconsiderations, and the operational object was in  
4 the Chinese Army. This is an important point that is  
5 different from the cases of the Sino-Japanese and  
6 Russo-Japanese Wars.

7 "Thus, the motive of this incident has been  
8 vague from the start. To demand the Nanking Govern-  
9 ment's reconsiderations-----What if they shall not  
10 reconsider no matter how long it takes?

11 "As a means of demanding their reconsidera-  
12 tions it is a matter of importance that Japan will  
13 make them understand her true strength by doing away  
14 with the aid of the British and the Russian influence  
15 in the back of China, to do away with the economic  
16 aid of Britain and the military aid of Soviet Russia.  
17 These two nations are similar to the Shira (Korean  
18 State) working in the background of the Rebel Kumaso.

19 "As an operation at the time of the outbreak  
20 of this incident, we were of the opinion that the mop-  
21 ping up of the Peiping-Tientsin areas--an intermediate  
22 between non-expansion and all out operation policies  
23 --by striking a blow at the Chinese 29th Army and re-  
24 pelling them to the south of the Yung-Ling River, the  
25 problems of Chi-tung and Chi-sha would naturally be

1 settled.

2 "Therefore, the field of operation had to  
3 be expanded and our troops penetrated ---- and then  
4 to Shanghai and to the fall of Nanking. Then there  
5 was the miraculous landing at (blank) by the Yano-  
6 gawa Forces.

7 "In speaking a little of our preparation  
8 for war, all the ammunition we had in preparation  
9 for a possible war with Russia was exhausted by the  
10 time of the fall of Shanghai in the attack of (blank).  
11 Huge expense is necessary in a war for war supplies--  
12 especially for ammunition and airplanes. Moreover,  
13 airplanes are good for only about a year. It is an  
14 assemblage of the essence of science in the highest  
15 degree and is always necessary to have the most super-  
16 ior equipment and highest power. Ammunition, again,  
17 not only takes up the highest expenditures in wars  
18 but the period of efficiency needs very close atten-  
19 tion. There is no example where any country in the  
20 world has declared a war with perfect preparation in  
21 ammunition. This ammunition ran short for a time in  
22 the battle of Shanghai, causing our men to face a  
23 grave danger. This, of course, may have been partly  
24 because they were scattered in various areas for the  
25 sake of operations. At present the war production

1 power has been expanded and there is no such necessity,  
2 but after we have started a war we must never forget  
3 to be prepared against Soviet Russia. We can never  
4 tell when an all out war with Russia might break out  
5 like the Chang-ku-feng incident. It is a tabooed thing  
6 to be pessimistic by believing the so called Russian  
7 attitude toward Japan--that of non-aggression. When  
8 we put into consideration the possible war with Rus-  
9 sia, our war production at the present is extremely  
10 inadequate. On the other hand, we are being troubled  
11 by problems pertaining to foreign exchange and import  
12 of goods.

13 "Next, I wish to speak to you on Japan's  
14 statement of January 16. Based on Japan's statement  
15 of August 15, as I have related before, Foreign Minis-  
16 ter Hirota, with the view to let Chiang Kai Shek sur-  
17 render, had proposed the German Ambassador to mediate,  
18 and expressed our intentions of desiring peace in the  
19 event that China will join hands with Japan and Man-  
20 chukuo in an anti-communist front. Thereupon, in the  
21 latter part of November, the German Ambassador asked  
22 Hirota in reply, 'The Chinese side seems desirous of  
23 agreeing to Japan's proposal. Is there any change in  
24 the proposal?'

25 "The first negotiation between the German

1 Ambassador and Hirota was in the latter part of August,  
2 before the fall of Lo-tien-chen; and now it was the  
3 latter part of November, just before the fall of Nan-  
4 king. At this day when there had already been a great  
5 change in the situation, it was obvious that it was  
6 impossible to go into negotiations based upon the for-  
7 mer conditions.

8 "Thus, after all, it was the 22nd of Dec-  
9 ember when Hirota made the following reply to the  
10 German Ambassador: 'At this time when there has been  
11 a great change in the situation, it is not possible  
12 to make the conditions agreed by the Chinese the basic  
13 conditions for a truce any longer. If the Chinese  
14 side will generally agree on the following terms, we  
15 shall be ready to go directly into negotiations. If  
16 the Chinese side should act contrary we shall have to  
17 deal with the incident from a new standpoint, etc.'

18                   Terms.

19 "1. China shall abandon her pro-communist and anti-  
20 Japanese policies, and collaborate with both  
21 Japan and Manchukuo in an anti-communist policy.  
22 "2. Demilitarized areas shall be established in neces-  
23 sary regions, and special organs (wide-scale free  
24 government system) shall be set up in the said  
25 areas.

1 "3. A close economic treaty shall be concluded among  
2 the three nations, Japan, Manchukuo, and China.  
3  
4 "4. China shall make necessary reparations to Japan.

5 "Then we demanded a reply by the end of the  
6 year, and also to dispatch a delegation either to  
7 Japan proper or to Shanghai for the purpose of truce  
negotiations based upon the above terms.

8 "Of course, we had a feeling that the reply  
9 may be prolonged until about the 10th of January.  
10 The details of the above basic terms our government  
11 had in preparation are as follows:

12                   "Details.

13 "1. China shall formally recognize the government  
14 of Manchukuo.

15 "2. China shall abandon her anti-Japanese and anti-  
16 Manchurian policies.

17 "3. China shall establish special areas in North  
18 China and Inner Mongolia.

19 "A. Proper organs shall be set up in North China  
20 for the realization of co-existance and co-  
21 prosperity for Japan, Manchukuo, and China.

22                   This organ shall be given wide powers and  
23 shall specially strive for the realization  
24 of economic coalition among the three coun-  
25 tries.

1        "B. An anti-communist self-government shall be  
2        established in Inner Mongolia. Its interna-  
3        tional position shall be the same as that of  
4        Outer Mongolia.

5        "4. An anti-communist policy shall be established,  
6        and China shall cooperate with Japan and Manchu-  
7        kuo in the execution of the same policy.

8        "5. Demilitarized areas shall be established in occu-  
9        pied territories of central China. China and Ja-  
10       pan shall cooperate in the maintenance of peace  
11       and order in Shanghai and in its economic deve-  
12       lopment.

13       "6. Japan, Manchukuo, and China shall conclude neces-  
14       sary agreements on customs duties, trade, air de-  
15       fense, transportation, and communications in  
16       connection with the development of natural re-  
17       sources.

18       "7. China shall pay indemnity to Japan. (There are  
19       oppositions within our circles).

20       "8. China shall recognize the stationing of Japanese  
21       troops for necessary terms in designated areas  
22       in North China, Inner Mongolia and Central China  
23       for the purpose of security.

24       "9. Truce treaty shall not be negotiated until after  
25       the above agreement shall have been concluded.

1                    "Had China executed the above details faithfully,  
2                    our government had secret intentions to cancel  
3                    the article on stationing of troops for security and  
4                    to cooperate and aid in the development of China. I  
5                    believe you all are very indignant of such lukewarm  
6                    terms and details. There has been a same tendency in  
7                    the Diet meetings."

8                    THE PRESIDENT: "We will recess now until  
9                    one-thirty.

10                    (Whereupon a recess was taken.)

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AFTERNOON SESSION

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Parkinson.

MR. PARKINSON: I had just concluded the  
reading of the final paragraph on page 4.

(Reading):

"Thus it was January but there was no re-  
ply to the above principles from China, even dele-  
gates had not been dispatched, and there was no  
sincerity at all. Within the circles of our govern-  
ment there had been, from the end of the year,  
suggestions to appeal for a conference before the  
Imperial presence, which resulted in the Imperial  
Conference of January 11. I understand that the  
Emperor had decided to go into a prolonged en-  
durance war should the Chinese give up.

"Thus, on about the 14th of January, the  
Chinese side is said to have replied to the follow-  
ing effect:

"'China is ready to start peace negotia-  
tions but the terms proposed by Japan are too  
abstract and it is difficult for us to reply.' etc.

25

1           "Then, you may say, what if we shall  
2 submit the above details. But such is not the  
3 best policy; it is only when the terms are abstract  
4 that there is any value or necessity of conferring  
5 and negotiating.

6           "Such was the development, and finally,  
7 on January 16, a statement was issued. This state-  
8 ment, I believe, should have been issued by the end  
9 of the year, before the fall of Nanking.

10          "Two reasons why the fall of Nanking --  
11 the fall of the enemy's capital -- did not have  
12 the anticipated effect upon foreign countries  
13 were the bombing of the gunboat Panay, and the  
14 lateness in issuing the above statement. One  
15 reason why the statement was late is because there  
16 was an opposition in opinion, within the Army, on  
17 the China policy and the Konoye Cabinet, for a  
18 time, was about to fall.

19          "Since there was no sincerity on the part  
20 of the Chinese, as has been related above, the  
21 Army considered it the major factor to overthrow  
22 the Chiang Regime first of all. And in order to  
23 do this, plotting should be proceeded within the  
24 occupied areas..

25          "In the first place, unlike the Sino-

1 Japanese and Russo-Japanese Wars, this incident  
2 is not a war based chiefly on military operations,  
3 but should be a war based chiefly on political  
4 expeditions.

5 "Therefore, the schemes in the occupied  
6 areas -- the establishment of a rising political  
7 regime were planned to be carried out after the  
8 fall of Nanking last fall by having WANG-KO-MIN  
9 set up a regime in North China.

10 "In general, the influential persons  
11 of China were of the opinion that if Japan will  
12 strive to overthrow Chiang Kai-shek to the last  
13 they should be obliged to rise and take a hand  
14 in the rising government. If, however, Japan  
15 will compromise with Chiang, they should only be  
16 killed for treason. So, they would not readily  
17 decide until Japan will show a definite attitude  
18 never to compromise with Chiang Kai-shek,

19 "I agree with them on this point, and  
20 this is one reason why it was necessary for Japan  
21 to clarify her basic principle on China.

22 "This resulted in the statement of January  
23 16, which had not been so clear. What was announced  
24 with the intention of making necessary explanations  
25 afterward in the form of talks by the Chief Cabinet

1      Secretary, resulted in awkwardness as to be called  
2      lacking in distinctness.

3              "The principles of the statement, in the  
4      first place, had been deliberated upon for about a  
5      month by one chief official from the Foreign Office,  
6      War Ministry and Navy Ministry respectively. After  
7      forecasting what attitude Chiang Kai-shek will take  
8      toward Japan after Japan will have renounced the  
9      central government of the Chiang Regime, the state-  
10      ment at that time, had stated plainly our measures  
11      against him. However, a part of the above state-  
12      ment had been cancelled at the cabinet meeting for  
13      the reason that it was too long, resulting in an  
14      important conclusion as follows:

15              "The Statement.

16              "The Imperial Government has tried till  
17      this day to give the Chinese Kuomintang Government  
18      a last chance for retrospection even after the fall  
19      of Nanking.

20              "However, the Kuomintang Government, not  
21      understanding our true intentions, stubbornly schemed  
22      hostilities toward Japan. Disregarding the people's  
23      sufferings from distress, China has no intentions  
24      to reflect upon establishing peace in all areas of  
25      East Asia.

1                   "Therefore, the Imperial Government shall  
2 not deal with the Kuomintang Government hereafter.  
3 We shall hope for the establishment and development  
4 of a new government that will truly collaborate with  
5 Japan, and by adjusting our relations we shall co-  
6 operate with that government for the establishment  
7 of a renovated China.

8                   "Japan, of course, shall continue to re-  
9 spect the territory and sovereignty of China and  
10 the rights and interests of the Powers in China.  
11 Japan is now charged with a great responsibility  
12 of peace in East Asia. The Government implores  
13 the people to put every effort in the execution  
14 of this important duty.

15                   "End

16                   "Above is the full text of the statement.

17                   "Following is the outline:

18                   "1. Non-recognition of the Chiang Kai-shek Regime  
19 as the central Government of China. In other words,  
20 it means that Japan will not deal with the Chiang  
21 Regime in a general truce negotiation.

22                   "2. Establishment of a new government. Japan shall  
23 give all out support for this government.

24                   "However, this is improper because it has  
25 not clarified our attitude to be taken in the event

1 the Hankow Government, or in other words Chiang Kai-  
2 shek should surrender, no matter under what conditions."

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1       "This, as I have previously related, had  
2       been stated in the draft. In any event, if the pre-  
3       sent Hankow Government should surrender, it will, of  
4       course, not be proper to deal with this government;  
5       but is it not possible to deal with them as a pro-Ja-  
6       panese district government? This should be deliber-  
7       ated upon at the Five Ministers Conference.  
8

9       "Moreover, the statement 'Japan shall not  
10       deal with the Kuomintang Government hereafter' had  
11       originally been proposed by the Army and it had been  
12       'Japan shall not recognize the Chiang Regime as the  
13       Central Government hereafter--in the draft.' This was  
14       changed because of opposition by the Foreign Office.  
15       The draft by the Foreign Office had been, 'The Kuo-  
16       mintang Government, separated from the capital of Nan-  
17       king, is recognized to have lost its powers. There-  
18       fore, Japan shall not deal with this government in  
19       the settlement of the incident'.  
20

21       "Concerning the effect of the statement on  
22       the Chinese side, the Chinese have declared their  
23       attitude by saying, 'The reply to Japan does not mean  
24       that China is trying to evade peace negotiations. Our  
25       government has discussed the terms proposed by Japan,  
26       but since there are foreign rights and interests in  
27       China things are very complicated, and we have only  
28

1       "This, as I have previously related, had  
2       been stated in the draft. In any event, if the pre-  
3       sent Hankow Government should surrender, it will, of  
4       course, not be proper to deal with this government;  
5       but is it not possible to deal with them as a pro-Ja-  
6       panese district government? This should be deliber-  
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22       the Chinese side, the Chinese have declared their  
23       attitude by saying, 'The reply to Japan does not mean  
24       that China is trying to evade peace negotiations. Our  
25       government has discussed the terms proposed by Japan,  
          but since there are foreign rights and interests in  
          China things are very complicated, and we have only

1 asked Japan for more complete terms. Peace with Ja-  
2 pan is what we hope for, etc.' I believe this to be  
3 China's scheme to guide her foreign policy on an ad-  
4 vantageous line hereafter.

5 "Now I would like to deliberate on the fu-  
6 ture after the fall of Hankow. There is nothing so  
7 difficult to forecast and so uncertain. None had  
8 thought, at about this time last year, that we would  
9 even send troops to seize Hankow. This may not be  
10 called a forecast, but it will not be very long be-  
11 fore the major operations will come to a conclusion.  
12 However, this does not, at all, mean the conclusion  
13 of this incident.

14  
15 "Next will be the problem of forecasting  
16 whether Chiang Kai Shek will surrender or not after  
17 the fall of Hankow, and our attitude in dealing with  
18 this.

19 "1. In case the Hankow Government does not surrender  
20 it will be called an anti-Japanese district govern-  
21 ment; but it is a question whether we should pur-  
22 sue them indefinitely and give them the finishing  
23 blow.

24 "2. In case of surrender--surrender shall mean that  
25 Chiang Kai Shek will bow unconditionally and  
therefore China shall abandon her pro-communist

1 and anti-Japanese policies, and of course, parti-  
2 cipate in an anti-communist front with Japan.  
3 In this case, what ways and means shall be taken  
4 in uniting the new pro-Japanese government to be  
5 established in Hankow and the existing pro-Japan-  
6 ese regime in North and Central China? An auto-  
7 nomous government of federated provinces may be  
8 set up, or a powerful regime capable of includ-  
9 ing such a government may be established, and  
10 there are various other forms that may be consi-  
11 dered. Anyway, the time will be ripe after the  
12 fall of Hankow, for establishing a central govern-  
13 ment, which should be centered around a charac-  
14 ter capable of winning the confidence of central  
15 and South China and to be popular with all of  
16 China. Unlike the case of Manchukuo, no govern-  
17 ment office will be taken by a Japanese, and Japan  
18 will do her utmost in the role of leadership.  
19 (This is the general outline decided at the cabin-  
20 et meeting last fall).

21 "Japan's government administration in North  
22 and Central China will be to put North China completely  
23 under Japan's control--to the same degree as Manchukuo  
24 --forming a defense area for Japan, China, and Manchu-  
25 kuo, and it will be necessary to develop the resources

1 in this area for national defense.

2 "Central China will be less important than  
3 North China, but will form an important base for the  
4 development of Japan's economic power. So it will be  
5 necessary to first secure our purpose in North China.

6 "Inner Mongolia will be the same as North  
7 China in that it forms an anti-Communist area and it  
8 will be necessary for this region to have a self-  
9 governing organ. So naturally our troops will be  
10 stationed in necessary areas to cooperate with the  
11 armed organizations of China--peace maintenance troops  
12 --in the maintenance of peace and order. The unmil-  
13 itarized zone is established because bandits are al-  
14 ways rampant in China. It is, of course, necessary  
15 to secure Inner Mongolia in preparation for a war  
16 with Russia, but it will be disadvantageous for Ja-  
17 pan to provoke a war on her now. This is because we  
18 shall have to divide our troops in the North and the  
19 South to attack both China and Russia. If, however,  
20 a war with Russia is unavoidable, it will be necessary  
21 for Japan to select a proper chance after her armament  
22 and production shall have been expanded--this should  
23 be after Showa 17 (1941).

24 "This concerns with foreign policy, but we  
25 shall recognize the rights and interest of Britain

1 to a certain degree and have her cut all relations  
2 with Chiang Kai Shek, and it is most important that  
3 we further strengthen our anti-Comintern Pact with  
4 Germany and Italy.

5 "The next most important thing is the pro-  
6 blem of renovation within our government in prepara-  
7 tion for the execution of the so-called continental  
8 policy against China. For Japan, who has started the  
9 management of Manchuria, to make an advancement into  
10 continental China, it will necessitate the rousing  
11 of redoubled effort on the part of our people. One  
12 reason why our country has originally been unsuccess-  
13 ful in colonial policies lies in the lack of national  
14 strength, especially in the power of production.  
15 This recent example could be seen in South Manchuria.  
16 Japan, at that time, being unable to completely manage  
17 this area, finally had to come to the Manchurian Inci-  
18 dent, which all accounts to the lack of productive  
19 power.

20 "What was the consequence of the Siberian  
21 Expedition--the advancement of our troops to the  
22 Baikal? This, too, resulted in the same manner.

23 "The change of industrial management--from  
24 free to controlled--must not be a temporary phenomenon.  
25 It will be absolutely impossible to attain our purpose

1 in our racial development through free economics.

2 All this could be attained only through the enforcement  
3 of the general national mobilization law.

4 "My discussion will wander from the subject,  
5 but we would have been extremely advantageous in our  
6 operations had we put the general mobilization law  
7 into motion six months before the outbreak of hosti-  
8 lities in the present incident.

9 "Of course, this was in reality a matter  
10 of impossibility. In the Russo-Japanese War, our  
11 people, soon after the Sino-Japanese War, had already  
12 been determined that a war with Russia was inevitable.  
13 A veteran lieutenant-colonel, (Officer in charge of  
14 mobilization in the War Ministry), had already de-  
15 clared in June, 1903 (Meiji 36) (six months ahead of  
16 the declaration of war), the necessity of putting  
17 into a motion a law similar in content to the present  
18 national mobilization law. I perfectly approve of  
19 this action.

20 "In the present incident, an Imperial Or-  
21 dinance pertaining to the enforcement of part of the  
22 national mobilization law was promulgated in August  
23 last year. At that time the organs of the Natural  
24 Resources Bureau (not the executive organs) had been  
25 incomplete, and on top of this, there had been a mis-

1 understanding between the Planning Board, and finally  
2 resulted in the establishment of a joint organ on  
3 October 25. Therefore an industrial mobilization  
4 law was passed at the temporary Diet Session in Sep-  
5 tember, and in January of this year a factory super-  
6 vision law was at last issued. This all goes to show  
7 how slow our government activities are.

8 "Now we shall come back to our main subject.  
9 There is still the necessity in our country to reno-  
10 vate the organs of our government as well as the poli-  
11 tical party problems and the National Spirit Mobiliza-  
12 tion Central Alliance, etc. These may be achieved  
13 only through the Pan-Asiatic Movement, (racial move-  
14 ment), and it will be of vital importance in guiding  
15 our younger generation.

16 "Then in February this year an article had  
17 been published in newspapers about the returning home  
18 of relieved soldiers. It is true that some soldiers  
19 had been sent home. But to give you the facts, there  
20 had been gradual mobilizations after that, and it  
21 seems that rumors had been rampant that this was in  
22 preparation for a war with Russia. I would like to  
23 say a word on this point.

24 "To put oppression upon the Chinese in suc-  
25 cession would only result in strengthening their de-

1 termination, so the Army decided it the best policy  
2 to contemplate a while after the fall of each city  
3 to give the Chinese a chance for internal corruption.  
4 Therefore, a part of the reserves and second reserves  
5 were sent home; but since then, it was necessary to  
6 change the plans of operation so naturally this had  
7 to be stopped. This had some relation with the es-  
8 tablishment of the new regime declared in the state-  
9 ment of January 16.

10 "The pro-Japanese Governments are located  
11 in North and Central China, but communications be-  
12 tween these two are cut off at Suchow, a strategic  
13 point on the Tientsin-Pukow railway line, which makes  
14 things utterly inconvenient. In order to secure con-  
15 victions, therefore, the unexpected attack on Suchow  
16 began. On one hand, the difference between the  
17 Chiang Government and the pro-Japanese Government is  
18 so incomparably great that one of these strategic  
19 points had to be secured for dealing a blow on the  
20 Chiang Government. On the other hand, we became pres-  
21 sed with the necessity of strengthening the pro-Japan-  
22 ese Government. Thus, contrary to expectations, it  
23 became necessary to use a large number of troops.  
24 Naturally, as previously stated, there had to be a  
25 change in plans regarding the question of relieving

troops.

"Lastly, I wish to say something regarding  
the rumors concerning peace negotiations. There are  
rumors going around at large that England, Germany,  
etc. are going to mediate between Japan and China.  
However, as previously related, the fundamental atti-  
tude of our Empire toward the Incident is as indicated  
in the January 16 declaration. Regarding the circum-  
stances which gave rise to these, it seems that dur-  
ing the period covering the tenth semi-annual term  
(January, March, and in April), figures clearly show-  
ed a letdown in trade, (the estimated imports amount-  
ing to ¥ 3,000,000,000 had to be reduced to something  
like ¥ 2,500,000,000), while intensification of econ-  
omic control became necessary, this being eventually  
carried out, and then of course the fact that the Ca-  
binet members, UGAKI and IKEDA are seriously concern-  
ed regarding the opening of peace negotiations--  
these it seems have been the causes for such rumors,  
but so far as I am concerned, these have to be confirmed.

21 "Our country will still, hereafter, require  
22 a fairly huge budget. We must surmount the difficul-  
23 ties, though of course we must be prepared for an  
24 increase in military supplies, and I think this is  
25 not the place to take up the question of negotiating

1 for peace.

2         "Recently, Chiang Kai-Shek has sent a cer-  
3 tain person to Japan to 'feel out' possibilities for  
4 peace negotiations. And it seems that this man is  
5 conducting work with the details of the peace condi-  
6 tions mentioned previously as the basis for his ne-  
7 gotiations.

8         "Regarding his attitude, I have heard that  
9 China: (1) will abandon its anti-Japanese policy;  
10 (2) will substantially recognize Manchuria; (3) will  
11 recognize the self-government of Inner Mongolia; (4)  
12 is against the establishment of demilitarized zones  
13 in North and South China; (5) is against stationing  
14 of troops in China by Japan; (6) is against immediate  
15 participation in the anti-Communist Pact; (7) is in  
16 favor of an anti-communist policy; (8) approves  
17 severing relations with the Communist Party; (9)  
18 would like to be pardoned from paying an indemnity;  
19 (10) is for economic development; and (11) Chiang  
20 Kai-Shek will retire from public life following recon-  
21 ciliations.

22         "According to what I have heard, China's  
23 attitude is as stated above. Of course, I don't know  
24 the real facts, but China evades what Japan specific-  
25 ally aims at. Moreover, it is asking too much to try

1 to bring about an agreement based on the Chinese  
2 ideas listed above just when Hankow is about to be  
3 stormed. Of course, our Cabinet Conference will not  
4 lend them an ear.

5 "Lastly, I wish to reiterate that our fun-  
6 damental attitude towards the Incident is found in  
7 the declaration of January 16. There has been an  
8 alteration since the declaration of 15 August, last  
9 year. Hereafter, also, it will be difficult to say  
10 that there will absolutely not be any more altera-  
11 tions, depending on the changes in the situation.  
12 However, I think that the point regarding the estab-  
13 lishment of a new regime is something that should re-  
14 main absolutely immovable."

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1                   MR. FREEMAN: If the Tribunal please, with  
2 the Court's permission I would like for Major Moore  
3 to state whether or not the document from which these  
4 extractions were taken has an official seal.

5                   THE PRESIDENT: Until it is proved other-  
6 wise, we will assume that it has no official seal.

7                   MR. PARKINSON: I now offer into evidence  
8 prosecution's document No. IPS 1093. This document  
9 is entitled, "Matter of Termination of Cooperative  
10 Relations between the Japanese Empire and Various  
11 Organs of the League of Nations."

12                  THE PRESIDENT: Have you a certificate for  
13 this?

14                  MR. PARKINSON: The certificate which I have  
15 is one signed by Mr. Danly.

16                  THE PRESIDENT: If the prosecution can give  
17 certificates, why not the defense?

18                  MR. PARKINSON: Perhaps they could if they  
19 could obtain them similarly.

20                  THE PRESIDENT: Are you prepared to agree  
21 with them that you will accept their certificates if  
22 they take yours? I am sure you are not. You have got  
23 to prove, in the case of every document, a certificate,  
24 or failing that, that it comes from the Japanese  
25 Government.

1                   MR. PARKINSON: In this case, your Honor,  
2 I was about to quote from the face of the instrument  
3 itself in connection with the certificate of Mr. Danly.  
4 In other words, the original is in Japanese and the  
5 Japanese document states the title as mentioned, and  
6 it is dated 2 November 1938, Minutes of the Privy  
7 Council Meetings.

8                   THE PRESIDENT: That is sufficient for the  
9 time being. Have you tendered this? It is admitted  
10 on the usual terms.

11                  CLERK OF THE COURT: Prosecution's document  
12 1093 will obtain exhibit number 271.

13                  (Whereupon, prosecution's exhibit No.  
14 271 was received in evidence.)

15                  MR. PARKINSON (Reading): "The Matter of the  
16 Termination of Co-operative Relations Between the  
17 Japanese Empire and Various Organs of the League of  
18 Nations. 2 November 1938. Minutes of the Meeting.  
19 The Minutes of the Privy Council. 1. The matter of  
20 the termination of co-operative relations between the  
21 Japanese Empire and various organs of the League of  
22 Nations. 2 November 1938. Wednesday Meeting opened  
23 at 1008 hours, in the presence of His Majesty the  
24 Emperor. Members present: President HIRANUMA,  
25 Vice-President HARA. Ministers of State: Prime Minister

1 KONOYE, Minister of the Navy, YONAI, Minister  
2 of Justice SHIONO, Minister of Education ARAKI,  
3 Minister of Communications NAGAI, Minister of  
4 Agriculture and Forestry ARIMA, Minister of Rail-  
5 ways NAKAJIMA, Minister of Welfare KIDO, Minister  
6 of Home Affairs SUETSUGU, Minister of War ITAGAKI,  
7 Minister of Overseas Affairs HATTA, Minister of  
8 Foreign Affairs ARITA.

9 "Privy Councilors:

10 "Privy Councilor KANEKO, Privy Councilor SAKURAI,  
11 Privy Councilor KAWAI, Privy Councilor ISHII, Privy  
12 Councilor ARIMA, Privy Councilor KUBOTA, Privy  
13 Councilor SUZUKI, Privy Councilor ISHIZUKA, Privy  
14 Councilor SHIMIZU, Privy Councilor FUJISAWA, Privy  
15 Councilor HAYASHI, Privy Councilor MINAMI, Privy  
16 Councilor TANAKA, Privy Councilor NARA, Privy  
17 Councilor ARAKI, Privy Councilor MATSUI, Privy  
18 Councilor SUGAWARA, Privy Councilor MATSUURA

19 "Absentees:

20 "Imperial Princes:

21 "Prince YASUHITO, Prince NOBUHITO, Prince TAKAHITO,  
22 Prince KOTOHITO,

23 "Ministers of State:

24 "Minister of Finance, Minister of Commerce and  
25 Industry IKEDA.

1 "Privy Councilors:

2 "Privy Councilor KUMODA, Privy Councilor SUZUKI,

3 Kantaro.

4 "Committees:

5 "The Director of the Bureau of Legislation FUNADA,

6 The Councilor of the Bureau of Legislation MORIYAMA,

7 Director of the Bureau of Treaties, of the Ministry

8 of Foreign Affairs MITANI, Vice-Minister of Public

9 Welfare HIROSE, Director of the Board of Health,

10 Ministry of Public Welfare HAYASHI, Director of the

11 Board of Labor, Ministry of Public Welfare NARITA.

12 "Reporter:

13 "Director of the Investigation Committee HARA.

14 "Chief Secretary:

15 "Chief Secretary MURAKAMI.

16 "Secretaries:

17 "Secretary HORIE.

18 "The President (HIRANUMA) announced the  
19 opening of the meeting.

20 "The subject of discussion was to be: The  
21 Matter of the Termination of Co-operative Relations  
22 Between the Japanese Empire and Various Organs of  
23 the League of Nations.

24 "Dispensing with the recitation of the  
25 first reading pertaining to the topic for dis-

1 "Privy Councilors:

2 "Privy Councilor KUMODA, Privy Councilor SUZUKI,  
3 Kantaro.

4 "Committees:

5 "The Director of the Bureau of Legislation FUNADA,  
6 The Councilor of the Bureau of Legislation MORIYAMA,  
7 Director of the Bureau of Treaties, of the Ministry  
8 of Foreign Affairs MITANI, Vice-Minister of Public  
9 Welfare HIROSE, Director of the Board of Health,  
10 Ministry of Public Welfare HAYASHI, Director of the  
11 Board of Labor, Ministry of Public Welfare NARITA.

12 "Reporter:

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14 "Chief Secretary:

15 "Chief Secretary MURAKAMI.

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17 "Secretary HORIE.

18 "The President (HIRANUMA) announced the  
19 opening of the meeting.

20 "The subject of discussion was to be: The  
21 Matter of the Termination of Co-operative Relations  
22 Between the Japanese Empire and Various Organs of  
23 the League of Nations.

24 "Dispensing with the recitation of the  
25 first reading pertaining to the topic for dis-

1 cussion, an immediate request was made for the  
2 report of the Director of the Investigation Com-  
3 mittee.

4 "Reporter HARA:

5 "In conjunction with the matter of the  
6 termination of co-operative relations between the  
7 Japanese Empire and various organs of the League  
8 of Nations which has been recently referred to the  
9 Privy Council for consultation, the establishment  
10 of an investigation committee has been ordered. In  
11 a committee meeting which was opened on 27 October,  
12 after hearing the expositions given by the Minister  
13 of State and various officials concerned, the committee  
14 continued its deliberations.

15 "The Japanese Empire had already notified  
16 the League of Nations of its withdrawal in March,  
17 1933. Although two years had passed before the  
18 withdrawal of the Japanese Empire from the League  
19 of Nations was formally recognized, the Japanese  
20 Government has, since then, willingly continued  
21 to co-operate in the various peaceful and humane  
22 undertakings of the League in compliance with the  
23 aims of the Imperial Rescript which was promulgated  
24 at the time of the withdrawal notice.

25 "At the present time, government . -

1 representatives, or individuals in a private capacity,  
2 are participating in the League's Permanent Mandates  
3 Commission Advisory Commission on Traffic in Opium,  
4 Central Opium Commission, Advisory Commission on  
5 Social Problems, Joint Commission on Arts and  
6 Sciences, Economic Commission, Health Commission,  
7 and Oriental Epidemic Information Bureau. They  
8 were also affiliated with the International Labor  
9 Office and participated in the organization of the  
10 International Court of Justice. They also partic-  
11 ipated in the General Disarmament Conference and  
12 in the World Economic Conferences which are both  
13 sponsored by the League of Nations.

14                   "However, wht the outbreak of the Sino-  
15 Japanese Incident, CHINA presented a formal appeal  
16 to the League of Nations on 12 Sep 37. Since then,  
17 the Assembly and the Council of the League, influ-  
18 enced by CHINA's activities, resolved that the  
19 actions of the Japanese Empire against CHINA are  
20 direct violations of the Nine Power Treaty con-  
21 cerning CHINA and the Anti-War Pact.

22 "Not only has the League promised moral  
23 support to CHINA, but she has also encouraged every  
24 nation in the League to give individual assistance  
25 to CHINA. Furthermore, it has been charged that the

1 representatives, or individuals in a private capacity,  
2 are participating in the League's Permanent Mandates  
3 Commission Advisory Commission on Traffic in Opium,  
4 Central Opium Commission, Advisory Commission on  
5 Social Problems, Joint Commission on Arts and  
6 Sciences, Economic Commission, Health Commission,  
7 and Oriental Epidemic Information Bureau. They  
8 were also affiliated with the International Labor  
9 Office and participated in the organization of the  
10 International Court of Justice. They also partic-  
11 ipated in the General Disarmament Conference and  
12 in the World Economic Conferences which are both  
13 sponsored by the League of Nations.

14 "However, wth the outbreak of the Sino-  
15 Japanese Incident, CHINA presented a formal appeal  
16 to the League of Nations on 12 Sep 37. Since then,  
17 the Assembly and the Council of the League, influ-  
18 enced by CHINA's activities, resolved that the  
19 actions of the Japanese Empire against CHINA are  
20 direct violations of the Nine Power Treaty con-  
21 cerning CHINA and the Anti-War Pact.

22 "Not only has the League promised moral  
23 support to CHINA, but she has also encouraged every  
24 nation in the League to give individual assistance  
25 to CHINA. Furthermore, it has been charged that the

1 Japanese forces bombed defenseless cities and  
2 utilized poison gas. The League adopted various  
3 resolutions which were intended to censure the  
4 Japanese Empire. However, the effect of these  
5 resolutions on the Japanese Empire was insignif-  
6 icant because of the indifferent attitude of the  
7 various countries and the impotency of the League  
8 itself. As a result, CHINA took full advantage  
9 of the full session of the Assembly of the League  
10 and intensified the anti-Japanese and help-CHINA  
11 sentiment. Employing the League's power of col-  
12 lective pressure, CHINA tried her utmost to restrain  
13 the Japanese Empire.

14 "Finally, in compliance with CHINA's  
15 request, the council made the stipulations of the  
16 17th Article of the Covenant, applicable to the Sino-  
17 Japanese Incident; specifically, for the settlement  
18 of disputes, nations which are non-members of the  
19 League will bear the same responsibilities as  
20 nations which are members of the League. In  
21 accordance with paragraph One of the same article,  
22 an invitation was received by the Japanese Empire.  
23 On 30 Sep 38, after the Japanese Government, in  
24 conformity with its policy, refused the invitation,  
25 the Council, in accordance with Paragraph Three of

1 the same article, adopted a resolution whereby each  
2 member of the League would be able to adopt sanctions  
3 against the Japanese Empire individually as provided  
4 in the 16th Article of the League Covenant. The  
5 decisions of the Council entrusts the exercise  
6 of sanctions to the various nations. There are  
7 several countries such as POLAND, BELGIUM, and  
8 PERU which have notified the Japanese Empire that  
9 they have no intention whatsoever of executing  
10 sanctions against it at the present time. Although  
11 it is not expected that the actual application of  
12 these sanctions will take place, as long as the  
13 decision of the Council stands as it is, the  
14 Japanese Empire and the League of Nations will be  
15 in complete opposition to each other. Consequently,  
16 from the standpoint of national honor, the further  
17 co-operation of the Japanese Empire with the various  
18 organs of the League of Nations cannot be tolerated.  
19 Because the Empire will suffer the contempt of  
20 all the nations of the world, a plan for the  
21 settlement of this matter of the termination of  
22 co-operative relations between the Japanese Empire  
23 and the various organs of the League, after our  
24 withdrawal from the League, has been drawn up and  
25 is the subject for discussion in this session.

1           "Wh'en the Imperial sanction is obtained, the  
2 Director of the Board of General Affairs of the Inter-  
3 national Council will notify the Secretary-General of  
4 the League of Nations of this resolve. Of those per-  
5 sons participating in the functions of the various  
6 organs of the League, the posts of those with a govern-  
7 ment representative status will be terminated, and those  
8 in a private capacity will resign of their own free  
9 will. Payments to the League of JAPAN's share of the  
10 expenses for the various League organs will be discon-  
11 tinued hereafter. Those who have held positions as  
12 League personnel will be allowed to act on their own  
13 volition.

14           "Insofar as the mandatory rule of the SOUTH  
15 SEAS ISLANDS by the Japanese Empire is concerned; re-  
16 gardless of any influence the withdrawal of the Empire  
17 from the League may have, we will always continue this  
18 mandatory rule in accordance with the 22nd Article of  
19 the League Covenant and the Mandatory Rule Article.  
20 The measures we have adopted in this matter do not  
21 have any relationship to this mandatory rule status.  
22 Consequestly, in accordance with Paragraph Seven,  
23 Article 22 of the League Covenant, the annual report  
24 to the League Council will be made as usual. Hereafter,  
25

1 government representatives will not attend the sessions  
2 of the Permanent Mandates Commission which is an organ  
3 of the League. The participation of Japanese com-  
4 mittees in this Assembly is also to be discontinued.

5 "After having taken such actions on this  
6 matter, the Imperial Government will discontinue its  
7 participation in international enterprises which are  
8 carried out through the League of Nations. In com-  
9 pliance with the Imperial Edict which has already been  
10 promulgated, we will co-operate in the various plans  
11 for world peace. There will be no deviations in our  
12 policy of participating in international enterprises  
13 which have as their object the public peace and well-  
14 being of mankind. For this reason, the Ministers of  
15 State have made it clear to us that we must not be  
16 negligent in taking appropriate steps towards this aim  
17 through diplomatic channels other than those of the  
18 League of Nations.

19 "The point is that the Council of the League  
20 of Nations has permitted the sanctions against the  
21 Japanese Empire under Article 16 of the League  
22 Covenant based on CHINA's request and therefore, co-  
23 operative relations between the Empire and various  
24 League organs which have existed even after our with-  
25 drawal from the League, will now be terminated. In

1 spite of the fact that the Japanese Empire withdrew  
2 from the League of Nations for the purpose of con-  
3 tributing towards world peace, it is very regrettable  
4 that it has become necessary at this time to sever co-  
5 operative relations with the various League organs.  
6 However, we believe that there is no alternative,  
7 considering the conflict in its relationship to the  
8 League and to the Japanese Empire. His Majesty's  
9 wishes, which were set forth in the Imperial Rescript  
10 promulgated at the time the Japanese Empire withdrew  
11 from the League, will not change with every change in  
12 the international political situation. Government  
13 authorities will always abide by this, His Majesty's  
14 wishes, and give careful consideration to carrying out  
15 measures concerning this matter. Naturally, we will  
16 still endeavor to co-operate in various peaceful and  
17 humane international undertakings through diplomatic  
18 channels other than those of the League of Nations.

19 "Having put our faith in the statements  
20 of the government officials and expecting their  
21 assiduous efforts in this matter, the Investigation  
22 Committee has unanimously passed the resolution.

23 "The foregoing is the report of the  
24 Investigation Committee.

1 "President of the Council HIRANUMA:

2        "If there is nothing further to discuss,  
3 we will omit the second and subsequent readings, and  
4 take a vote immediately. All those in favor of this  
5 bill will please rise. (All members rise.)

6 "Council President HIRANUMA:

7        "It has been passed unanimously. The meeting  
8 is adjourned for today.

9 "The Emperor withdraws.

10 "Meeting adjourned 1020 hours.

11        "(Signed) Council President  
12                    Baron HIRANUMA  
13                    Chief Secretary  
14                    MURAKAMI

15        "Secretaries:

16                    HORIE  
17                    TAKATSUJI"

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1                   MR. T. OKAMOTO: I wish to say a few words  
2 for the record. In exhibit number 271 there is a  
3 name among the Privy Counsellors, MINAMI. This is  
4 MINAMI, Hiroshi, and not the accused MINAMI, Jiro.

5                   THE PRESIDENT: We have noticed it is not  
6 MINAMI, Jiro.

7                   Dr. KIYOSE.

8                   DR. KIYOSE: I wish to state a few words  
9 with respect to Exhibit 269 which was read in Court  
10 this morning. This exhibit is formed from two sepa-  
11 rate records, one of which relates to the report  
12 made to the Throne by Foreign Minister UGAKI; the  
13 other is material of a report made by Foreign Min-  
14 ister ARITA to the Privy Council. In the Japanese  
15 text of these records it is stated that the contents  
16 were materials for explanatory purposes. It does not  
17 say "report" as it does in English. I have already  
18 discussed this matter with the Language Arbitrator and  
19 they have also agreed to me on the point that the  
20 word "materials" should be made clear on the record,  
21 and I should like to have the prosecution also agree  
22 with me on this point.

23                   THE PRESIDENT: Major Moore.

24                   LANGUAGE ARBITER MAJOR MOORE: If the Court  
25 please, sir, there is just a little misunderstanding.

1 I have no doubt in my own mind that what Dr. KIYOSÉ  
2 said is true. However, I am sure, I am afraid the  
3 impression was made that the Arbitration Board agreed  
4 with Dr. KIYOSÉ in this matter. The position of the  
5 Board, if the Tribunal please, was that the pros-  
6 ecution should have a chance to state its position  
7 before the Board. Then the Board would render its  
8 decision to the Tribunal.

9 THE PRESIDENT: The prosecution will be given  
10 that opportunity, and we will take the report later.

11 Mr. Parkinson.

12 DR. KIYOSÉ: Mr. President, I apologize, Mr.  
13 President, for speaking out of order. However, I  
14 consulted the arbiters while the prosecutor was reading  
15 from the evidence.

16 THE PRESIDENT: We take it you acted in good  
17 faith, Dr. KIYOSÉ.

18 MR. PARKINSON: I now offer, if the Tribunal  
19 please, IPS Document No. 605 to which is attached a  
20 certificate of authenticity, the Corresponding Secretary,  
21 The First Demobilization Bureau. This document is  
22 entitled "Presentation (Sending) of Situation Estimate  
23 of Central China Expeditionary Army," dated "July 24,  
24 1939," from YOSHIMOTO, Sadaichi, Chief of Staff,  
25 Central China Expeditionary Army to YAMAMAKI, Masataka,

1 "Minister of War." The certificate reads as follows:  
2 "IPS No. 605. Statement of Source and Authenticity.  
3 I, ISHIBASHI, Kaneo, hereby certify that I am official-  
4 ly connected with the Japanese Government in the  
5 following capacity: Corresponding Secretary, and  
6 that as such official I have custody of the document  
7 hereto attached consisting of (blank) pages, dated  
8 3 - 7 August 1939 and described as follows: Confi-  
9 dential Daily Reports from Chinese Expeditionary Force.  
10 I further certify that the attached record and docu-  
11 ment is an official document of the Japanese Govern-  
12 ment, and that it is part of the official archives  
13 and files of the following named ministry or depart-  
14 ment (specifying also the file number or citation, if  
15 any, or any other official designation of the regular  
16 location of the document in the archives or files):  
17 First Demobilization Bureau. Signed at Tokyo on this  
18 5 day of July, 1946, Kaneo ISHIBASHI, Signature of  
19 Official, Official Capacity," and signed by "Witness  
20 Shinaji KOBAYASHI."  
21  
22 There is likewise attached a certificate  
23 from Mr. Danly.  
24  
25 THE PRESIDENT: We don't want you to read that.  
MR. PARKINSON: May I offer that in evidence,  
your Honor?

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document  
3 605 will receive exhibit number 272.

4 (Whereupon, prosecution's exhibit No.

5 272 was received in evidence.)

6 MR. PARKINSON: May I ask the indulgence of  
7 the Court in asking Justice Mansfield to help me out  
8 on the reading.

9 THE PRESIDENT: Mr. Justice Mansfield.

10 MR. JUSTICE MANSFIELD (Reading): "Central  
11 China Expeditionary Army Situation Estimate. Dated:  
12 20 July, 1939. Issued by the Headquarters of the  
13 Central China Expeditionary Army and presented by  
14 YOSHIMOTO, Sadaichi (Chief of Staff of the same Army).  
15 To be distributed to the following: The Vice-Chief  
16 of the Military General Staff. 6 copies. The Vice-  
17 Minister of War. The Commander of the 11th Force.  
18 The Commander of the North China Expeditionary Army.  
19 The Commander of the "NAMI" Air Group. Duplicates  
20 (to be reserved for commanders, chiefs of staff, vice-  
21 chiefs of staff and departmental chiefs) 8. Total:  
22 23 copies.

23 "Decision. In order to meet a protracted war,  
24 this Army should gradually create conditions which can  
25 be long maintained and should continuously crush and

1 "destroy the fighting power of the enemy by direct  
2 action from the air and on the ground.

3 "At the same time, by resorting to active  
4 political resources and stratagems, weaken the foun-  
5 dation of the enemy's spiritual and material powers  
6 of resistance. Especially as regards his political  
7 and economic organization. It is necessary to es-  
8 tablish a new central government and bring it up so  
9 that a fundamental solution of the Incident can be  
10 hastened.

11 "Outline of Treasures. 1. This Army will  
12 carry on its task, maintaining most of the present  
13 occupied areas. In the area allotted to the 11th  
14 Force, efforts will be made to concentrate our  
15 strength so that we can avail ourselves of every  
16 opportunity to crush the enemies around us. In the  
17 area allotted directly to this Army, especially the  
18 'triangular area', we will endeavour to attain the  
19 complete maintenance of order and peace. For this  
20 purpose, we will consider a partial operation against  
21 the strategic points around our occupied areas. We  
22 should try to prevent any worsening of the international  
23 situation which might affect adversely the solution  
24 of the Incident. However great the need may be, the  
25 withdrawal of the troops should not be made until after

1 "the beginning of the 15th year of Showa (1940)  
2 in consideration of the process of the establishment  
3 and growth of the new central government and antici-  
4 pated time of the downfall of CHIAN's Government.  
5 However, this Army is always ready to be equal to  
6 any change in the international situation.

7 "2. The army air forces, in cooperation  
8 with the naval air corps, will crush the enemy air  
9 and ground forces, by acting in concert with ground  
10 operations in and around the occupied area and at  
11 the same time will carry out attacks upon the stra-  
12 tegic points in and around the occupied area and  
13 at the same time will carry out attacks upon the  
14 strategic points in the hinterland in order to ter-  
15 rorize the enemy's forces and civilians and so develop  
16 among them an anti-war pacifist tendency.

17 "For an advancing operation into the hinter-  
18 land, we shall carry out restricted operations for  
19 the purpose of obtaining strategic air bases.

20 "3. This army will, in accordance with  
21 the principle of national economy, consider re-  
22 stricted operations for the purpose of making this  
23 area fully self-supporting as well as of obtaining  
24 the resources essential for national defence.

25 "4. Efforts will be devoted to propaganda

1 "destroy the fighting power of the enemy by direct  
2 action from the air and on the ground.

3 "At the same time, by resorting to active  
4 political resources and stratagems, weaken the foun-  
5 dation of the enemy's spiritual and material powers  
6 of resistance. Especially as regards his political  
7 and economic organization. It is necessary to es-  
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18 land, we shall carry out restricted operations for  
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21 the principle of national economy, consider re-  
22 stricted operations for the purpose of making this  
23 area fully self-supporting as well as of obtaining  
24 the resources essential for national defence.

25 "4. Efforts will be devoted to propaganda

1 "and conciliation, especially to the clarification  
2 and spreading of the principles and doctrines ad-  
3 vocated by the new Central Government. Moreover, we  
4 will make the thought movement against Communism more  
5 active, and win the hearts of the people by rehabil-  
6 itating them so that we may conciliate and organize  
7 them under the banner of the new Central Government."

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A 5 THE PRESIDENT: Well, it is "treasures" here,  
b 6 but it is obvious what is meant.  
r

7 MR. JUSTICE MANSFIELD: (Reading)

8 "5. We will establish a new Central Government  
9 with WANG CHING-WEI as its head and give positive  
10 support to its development.

11 "6. We will positively carry out stratagems of  
12 various kinds.

13                    "1. As to military matters, we will  
14                    conciliate both the regular and irregular forces,  
15                    and will utilize them to complete and strengthen  
16                    the power of self-protection of the new Central  
17                    Government.

18                   "2. Politically we will carry out various  
19 plans following the policy shown in Clause V.

20                   "3. As to economics, we will root out  
21 pro-CHIANG movements by Third Powers and obstruct  
22 production and circulation of essential resources  
23 inside the enemy's country, especially materials  
24 for munitions, necessities of life, commodities  
25 for export, etc. Moreover, we will continue the

1 blockade of YANGTZE River and devote ourselves to  
2 driving out British influence along the same river.

3 "4. As to thought, we will organize and  
4 carry out people's movements, based on pro-Japanese  
5 anti-Communist, anti-British, Pacifiast and Pan-  
6 Asiatic ideas.

7 "7. In respect of all foreign settlements,  
8 especially the SHANGHAI settlement, we will take  
9 positive measures, acting in concert with the Cen-  
10 tral Office and encourgaing the Chinese. For this  
11 purpose, the use of military force may be anticipated.

12 "8. In view of the special nature of the  
13 present stage of the Incident, the Central Office  
14 should strengthen its capacity for carrying out  
15 economic and diplomatic projects on the spot as  
16 shown below, by acting in concert with the authorities  
17 concerned.

18 "1. Establish an organization for putting  
19 into effect projects connected with economic schemes  
20 and self-support of area controlled by this Army.

21 "2. Strengthen the diplomatic channels in  
22 this area both in quantity and quality so that  
23 diplomatic work in SHANGHAI can be carried on more  
24 actively.

## "EXPLANATION

1        "1. It is recognized that the fighting power of the  
2        enemy facing this Army is at present rapidly dwindling  
3        and that they are not only incapable of carrying out  
4        organized positive operations, but also they are  
5        gradually falling into a state of degeneration and  
6        collapse.  
7

8        "The main cause rests rather in the power of  
9        resistance which should strengthen and support the  
10       first line troops, weakening rather than any loss of  
11       fighting power on part of the latter.

12       "For example, most of the leaders of the National  
13       Party Army have lost faith in the future of this war  
14       of resistance; officers of the central body have  
15       suffered loss and demoralization; bad relations exist  
16       between the National Party and Communist Party;  
17       internal troubles have arisen around peace problems;  
18       pacifist and anti-war feeling is rife among the  
19       people; insufficient support for CHIANG KAI SHEK is  
20       being received from other Powers, especially Britain  
21       and the Soviet; there is a lack of financial material  
22       and personnel resources; communication systems have  
23       been destroyed; and together with the destruction of  
24       the machinery of production supplies from the rear  
25       have been cut off. All the above are described in

1 detail in a separate report entitled "A Study of the  
2 Fighting Power of the Chinese Forces." We judge  
3 that it is impossible for the enemy now under such  
4 conditions to restore and prepare his counter-attacking  
5 power even if given some time for this purpose. Among  
6 the first line officers and men, especially the  
7 younger ones, there are not a few who, after years of  
8 inculcation, have been led into the simple error or  
9 resisting Japan on a basis of national salvation,  
10 and who have a firm belief in final victory, having  
11 been deceived by the skilful propaganda. Even at the  
12 Supreme Command, some officers blindly believe false  
13 reports from the first line and misinformation from  
14 home and abroad, or force themselves to affirm such  
15 reports and information only for self-comfort and  
16 consequently are quite aware of their defeat. There-  
17 fore, first line enemy forces will not only never  
18 suffer an overall collapse but unless their organiza-  
19 tion is completely destroyed by direct attack, they  
20 can not be expected that they will surrender thus.  
21 But even such ignorant and bigoted persons will come  
22 to correct their errors of judgment when they become  
23 aware of the truth with the progress of time. If  
24 the National Government lose its authority over the  
25 people and its control is weakened, it can easily be

1 imagined that those elements who have been aware of  
2 the truth of China's defeat and yet have been unable  
3 to realize their desire for an armistice will  
4 gradually rise up and will finally create a new  
5 general trend, strengthening their unification and  
6 increasing their power. In short, we expect that the  
7 military fighting power that is the source of the  
8 enemy's power of resistance is on its way to  
9 deterioration, and that finally the development of  
10 WANG CHING-WEI's "Peace and State Salvation" move-  
11 ment and the shortage of food and clothing will  
12 result in sudden appearance of anti-CHIANG and peace  
13 movements under the conditions described above,  
14 even if we attempt to attain the object of war only  
15 by genuine strategic operations and plan to anni-  
16 hilate the enemy's military forces, attacking them so  
17 often at so many places, even at the border of TIBET,  
18 it would be impossible for us to achieve our final  
19 war objects because of the peculiar nature of the  
20 enemy country which possesses vast territory, rich  
21 resources, a big population, and yet no modern well  
22 unified national structure. Therefore, we do not  
23 therefore, see any necessity for further strategic  
24 operations at present in view of the fact that we  
25 have already occupied the important parts of China

1 and have administered a serious blow upon the main  
2 force of the National Party Army, to say nothing of  
3 the present pressing international situation.

4 "Our military offensive, then, should be re-  
5 stricted only to operations necessary to bring  
6 pressure on the enemy or crush his attempts at  
7 counter-attacks, and for the maintenance of order  
8 and peace in the occupied area, especially in the  
9 "triangular zone," or again to operations which are  
10 part of our strategic plan. On the other hand, we  
11 should attempt to destroy the enemy's core of  
12 resistance in the rear by offensive operations con-  
13 sisting of political measures and strategems. To  
14 deal with the enemy remnants in the occupied area,  
15 especially in the "triangular zone" of the lower  
16 YANGTZE River, we will disperse suitable troops and  
17 in addition we will enforce the maintenance of  
18 order and peace by consolidation of the occupied  
19 area, by organizing and strengthening various Chinese  
20 peace preservation groups by establishing defense  
21 installations and communication facilities, and by  
22 carrying out resolute and constant subjugation.

23 "Our 11th Army which directly faces the centre  
24 of enemy resistance should dispose as big mobile  
25 units as possible so that they can, at any time,

1 break up any enemy counter-attacks in that area and  
2 so hasten the collapse of the enemy's first line  
3 groups. We expect to carry out partial offensive  
4 operations for the purpose of anticipating and break-  
5 ing up enemy counter-attacks or of mopping up centres  
6 of disturbance of order and peace.

7 "The army air forces, cooperating with the naval  
8 air forces and participating in ground operations in  
9 and around the occupied area, should destroy the  
10 enemy and his military equipment and carry out  
11 offensive operations against the strategic points  
12 in the interior. As to the offense operations  
13 against strategic points in the interior, there  
14 have been various different views about their value,  
15 but the great effect they have of creating anti-  
16 CHIANG feeling and a hatred of war does not need to  
17 be enlarged upon.

18 "As long as CHIANG's authority is complete  
19 and anti-Japanese feeling of the people in general  
20 is tense, air-bombing, especially damage to innocent  
21 civilians may well result in stimulating this anti-  
22 Japanese feeling, but with the people's gradual  
23 recognition of the disadvantages of a protracted war  
24 and with the tension created by Anti-CHIANG feeling  
25 and hatred of war, we believe the effects of the air

1 break up any enemy counter-attacks in that area and  
2 so hasten the collapse of the enemy's first line  
3 groups. We expect to carry out partial offensive  
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5 ing up enemy counter-attacks or of mopping up centres  
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20 is tense, air-bombing, especially damage to innocent  
21 civilians may well result in stimulating this anti-  
22 Japanese feeling, but with the people's gradual  
23 recognition of the disadvantages of a protracted war  
24 and with the tension created by Anti-CHIANG feeling  
25 and hatred of war, we believe the effects of the air

1 bombing will be rapidly intensified. Consequently,  
2 what we expect of offensive operations against the  
3 interior is the mental terror they will create among  
4 the enemy forces and civilians rather than the material  
5 damage inflicted direct upon enemy personnel or  
6 equipment.

7 "We will wait and see them falling into  
8 nervous prostration in an excess of terror and madly  
9 starting anti-CHIANG and pacifist movements. It  
10 will be necessary, therefore, for us to adopt  
11 'mercy and sternness' methods, bombing as well as  
12 dropping necessities of life and propaganda leaflets.

13 "3. If our Empire devotes herself to solving the  
14 Incident by using her entire strength with great  
15 determination, a part of the enemy's power will, as  
16 I shall describe later, unite with the Red Soviet and  
17 occupy some important part of the Continent in order  
18 to upset our sacred mission, but their actual ability  
19 must not be such as to create or lead any general  
20 trend, and consequently, we do not expect to have  
21 much difficulty in causing this 'Holy War' to bear  
22 succulent fruit. It is thus absolutely necessary for  
23 us to prevent the international situation from so  
24 changing as to boil the complete solution of this  
25 Incident. The structure of the enemy's resistance

1 is now standing on the brink of collapse, and with  
2 the birth of the new Central Government which is  
3 expected to appear shortly, the completion of our  
4 holy task which has been carried on with such  
5 tremendous sacrifice is steadily coming nearer. So  
6 our Empire should devote herself to accomplish her  
7 purpose at all costs and risks, preventing any fail-  
8 ure at this extremely important movement. However  
9 great the need, the reorganizing and removal from  
10 Central China of military forces should not be made  
11 until after the beginning of the year 1940 in view  
12 of the anticipated time of the downfall of CHIANG's  
13 regime, and in view of the process of establishing  
14 and developing the new Central Government of the  
15 anticipated time and failure of the counter-attack  
16 operation by the National Party Army, known as the  
17 2nd Term Force, and of various other circumstances.  
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1 "4. CHIANG KAI-SHIK strengthened his own hegemony  
2 by compromising with the Communist Party under the  
3 cloak of 'Founding the State through a War of Resist-  
4 ance,' and during his war of resistance against Japan  
5 he utilized his old rivals the SHANSI Army, the  
6 SHANTUNG Army, the old TUNGPEI Army, the KWANGSI  
7 Army and the SZECHWAN Army as his own forces, some-  
8 times availing himself of good chances to destroy  
9 their fighting power under the shell-fire of our  
10 forces. It is judged that at present the Communist  
11 Party is under the control of the National Party too  
12 and has no capacity to create a new trend in the  
13 situation.

14 "The general public, especially the young  
15 intelligentsia, affected by education and propaganda  
16 for many years, have very deep and keen racial con-  
17 sciousness and anti-Japanese feeling. We must  
18 therefore admit, although it is a matter of regret,  
19 that the potitical resistance power of CHIANG's regime  
20 is still considerable. If it should happen that the  
21 CHUNGKING Government should split in the future,  
22 this would never arise from friction between the  
23 National Party and the Communist Party but might  
24 possibly occur as a result of some dispute between  
25 the Jingoists and Pacifists, and it goes without

1 saying that the entire Communist Party is a war  
2 party. Therefore, if we attempt to create a pacific  
3 trend, it is necessary to give all possible support  
4 to WANG CHING-WEI whose slogan is 'Peace and State  
5 Salvation,' and who intends to work for this purpose  
6 with our Army area as its vast stage. Although it  
7 is a fact, as I have already pointed out, that the  
8 Communist Party is now being utilized by CHIANG  
9 KAI-SHEK, we should make greater efforts to carry  
10 out our 'Thought' operations, against Communism  
11 since any machination which may result in an in-  
12 ternal split in the CHIANG regime and provide a reason  
13 for the establishment of a new Central Government is  
14 of the first importance. Thus, if the pacifists  
15 gain the victory, CHIANG KAI-SHEK who is now barely  
16 holding his present position under the cloak of  
17 'Founding the State by Resistance' will necessarily  
18 collapse. The Communist Party together with other  
19 **jingoistic** groups will come under the sway of  
20 Soviet Russia, and will settle in the northwest  
21 region where, acting in concert with Outer MONGOLIA,  
22 it will continue to oppose our Asia Development  
23 Camp.

24 "That is the reason why this Incident can-  
25

1 not be solved merely by an armistice between Japan  
2 and China, and why it must take a considerable time  
3 before its complete settlement. Hence Japan, who  
4 aims at the establishment of a New Order of East  
5 Asia, must station her forces in the present occu-  
6 pied area for a long period, devoting herself to  
7 encouraging natural growth of a pro-Japanese Central  
8 Government and to economic reconstruction.

9 "5. In order to deal with a protracted war, our  
10 Army should secure, with the support of powerful  
11 armed forces, all important political, economic and  
12 cultural points and lines, and develop various con-  
13 struction works in the occupied areas. It is also  
14 necessary for our Army to consider measures for the  
15 collection, production, and supply of all necessi-  
16 ties for the front, and if possible, to transport  
17 essential resources to the homeland.

18 "Moreover, necessary preparations will be  
19 required for military operations to obtain specific  
20 mineral resources in KIANGSI and HUNAN Provinces.

21 "6. China has already lost most of her harbors,  
22 and her entire coast is being blockaded by our  
23 forces, so that it is not too much to say that she  
24 is now receiving no custom revenue. As a result of  
25 the abandonment of her territory after repeated

1 defeats, her revenue from consolidated tax and salt  
2 tax has shown a very remarkable decrease, and she is  
3 now being compelled to depend upon foreign loans for  
4 her rapidly increasing military expenditure. The  
5 production of tea, pawlownia, oil, silk thread and  
6 specific minerals which are her main items for export  
7 have considerably decreased, and the shipping of these  
8 products has become so difficult that they can hardly  
9 be taken as security for foreign loans. Consequently,  
10 a foreign loan is now a matter of an entirely politic-  
11 al nature and can be made only by Britain who has a  
12 common interest in the Chinese FAPI. It may be said,  
13 therefore, that material and financial support by  
14 Britain is the only big element that can control the  
15 enemy's power of resistance. In view of this fact,  
16 it is absolutely necessary for us, in order to de-  
17 stroy the economic and financial power of resistance  
18 of the CHIANG Government, to force Britain to give  
19 up her support of CHAING KAI-SHEK. As there is a  
20 probability that Britain will lose all her interests  
21 in China as a result of her support of CHIANG, it is  
22 possible, provided we adopt a strong attitude, to  
23 bring utilitarian Britain to reflect on the matter  
24 and change her policy.

25 "7. The reason why China is still capable of con-

1 tinuing her resistance, although two full years have  
2 passed since the occurrence of the Incident, is  
3 exactly that she has succeeded in instilling the  
4 Chinese people with heated racial consciousness by  
5 means of the slogan of 'Founding the State of  
6 Resistance.'

7 "Therefore, if we desire the downfall of  
8 the CHUNGKING Government, we should try to estrange  
9 the Chinese people from CHIANG. We should grip and  
10 utilize the innermost racial consciousness of the  
11 people and, by controlling it, should develop their  
12 ability to undertake political activities. This is  
13 the reason why we claim that propaganda and cajole-  
14 ment is the foundation of our long-term task of  
15 reconstruction. It is also necessary for us to draft  
16 and clarify immediately the principles and platform  
17 of the new Central Government and make them the  
18 basis of our propaganda and cajolement. As our pro-  
19 Japanese and anti-Communistic propaganda has not  
20 appealed to the minds of the Chinese people, much  
21 better creative devices will be required in future.  
22 "8. There is no doubt that the foreign settlements  
23 are disturbing the strengthening of discipline and  
24 order as well as affecting adversely economics and  
25 finance. To take some drastic measures against this

1 state of affairs is the best way not only to fulfill  
2 the duty of the Army and maintain its existence, but  
3 also to make the Third power abandon their pro-  
4 CHIANG policy and so awaken China and the Chinese  
5 people from their ominous dream of 'dependence upon  
6 Europe and America.' Especially, the cleaning-up  
7 of the SHANGHAI settlement should be carried out  
8 immediately in order to hasten the accomplishment of  
9 the work of WANG CHING-WEI.

10 "These views bring us to the conclusion that  
11 the problem of the foreign settlement is one of the  
12 most important questions relating to the construction  
13 of the New Order in East Asia and the creation of a  
14 union of East Asia, and it is our belief that the  
15 solution of this problem will constitute an important  
16 part of the settlement of the Incident. Therefore,  
17 we should be strongly determined to make positive use  
18 of armed forces as the situation demands.

19 "9. We have no hesitation in saying that our  
20 political activities, especially those of a diplo-  
21 matic and economic nature, towards the attainment of  
22 the military objectives of the Incident are so un-  
23 satisfactory, despite great progress in strategic  
24 operations, that they not only fail to utilize the  
25 results so gained but do not even manage to keep up

1 with these successes. Therefore, we should say that  
2 it is our urgent duty to make our political moves  
3 much more active and effective in the occupied areas.  
4 It is especially necessary to establish, besides a  
5 liaison organ for the Developing Asia Board (KOIAN),  
6 an economic staff in the Army consisting of capable  
7 persons well acquainted with the actual economic  
8 situation of the State and it is moreover necessary  
9 to strengthen the Imperial Japanese diplomatic organ  
10 at SHANGHAI in quality and size. These steps should  
11 be taken to establish more actively and effectively  
12 the self-sufficiency of our forces in the occupied  
13 area as well as to intensify economic warfare, which  
14 is closely connected with our national economy."

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1 THE PRESIDENT: Mr. Parkinson.

2 MR. PARKINSON: I now offer in evidence IPS  
3 document No. 623 entitled "Message Concerning Special  
4 Investigation of Inner Mongolia," and dated 19 June  
5 1938. It is from ISHIMOTO, Torazo, Chief of Staff of  
6 the Japanese Army in Mongolia, to TOJO, Hideki, Vice-  
7 Minister of War. Attached to this document is a  
8 certificate of authenticity from the Corresponding  
9 Secretary of the First Demobilization Bureau. The  
10 certificate reads as follows: "IPS No. 623, State-  
11 ment of source and authenticity. I, KANE0,  
12 Ishibashi hereby certify that I am officially con-  
13 nected with the Japanese Government in the follow-  
14 ing capacity, Corresponding Secretary, and that  
15 as such official I have custody of the document here-  
16 to attached consisting of blank pages dated blank,  
17 1938, and described as follows: China Daily Con-  
18 fidential Files, Volume No. 73."

19 THE PRESIDENT: Did I understand you to  
20 say that he certified to a document of so many blank  
21 pages?

22 MR. PARKINSON: That is the form of this  
23 certificate but I think the explanation lies in this,  
24 your Honor: this is an extract from a bound volume  
25 entitled, "Confidential Daily Reports from China

## 1 Expeditionary Forces."

2 THE PRESIDENT: He should state the number  
3 of pages he certifies to.

4 MR. PARKINSON: The certificate, if the  
5 Court please, appears to go to the bound volume  
6 entitled, "Confidential Daily Reports from China,"  
7 from which this has been extracted, and he refers  
8 to it as "China Daily Confidential Files, No. 73"  
9 rather than specifying the number of pages in the  
10 volume. In other words, his certificate does not  
11 go just to that portion which I intend to offer but  
12 to the entire volume, itself.

13 THE PRESIDENT: Yes. You had better pro-  
14 ceed, Mr. Parkinson.

15 MR. PARKINSON: I now offer that into  
16 evidence.

17 THE PRESIDENT: Yes. Well, that is admitted  
18 on the usual terms.

19 CLERK OF THE COURT: Prosecution's docu-  
20 ment No. 623 will receive exhibit No. 273.

21 (Whereupon, the document above  
22 referred to was marked prosecution's exhibit  
23 No. 273 and received in evidence.)

24 THE PRESIDENT: Well, you would hardly have  
25 time to complete the reading. It is a lengthy

1 document.

2 We will adjourn now until half past nine on  
3 Monday morning.

4 (Whereupon, at 1555, an adjourn-  
5 ment was taken until Monday, 12 August  
6 1946, at 0930.)

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